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RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA v. CARL KRAUCH ET AL. (CASE VI)

AUGUST 14, 1947-JULY 30, 1948

Roll 82

Defense Document Books

Buetefisch(part), 8-2d Additional

All Defendants for
Dynamite Aktiengesellschaft, 1-3

All Defendants for
Regulation of the Economy, 1-Loose Copies

All Defendants for
Foreign Policy, 1-3



THE NATIONAL ARCHIVES
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GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1976

INTRODUCTION

On the 113 rolls of this microfilm publication are reproduced the records of Case VI, *United States of America v. Carl Krauch et al.* (I. G. Farben Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal (IMT) held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs and statements, and defendants' final pleas as well as prosecution and defense exhibits and document books in one language or the other. Also included are minute books, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 43 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. Prosecution statements and briefs are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. Unbound prosecution exhibits, numbered 1-2270 and 2300-2354, are essentially those documents from various Nuernberg record series, particularly the NI (Nuernberg Industrialist) Series, and other sources offered in evidence by the prosecution in this case. Defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically, along with two groups of exhibits submitted in the general interest of all defendants. Both prosecution and defense document books consist of full or partial translations of exhibits into English. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

Minute books, in two bound volumes, summarize the transcripts. The official court file, in nine bound volumes, includes the progress docket, the indictment, and amended indictment and the service thereof; applications for and appointments of defense counsel and defense witnesses and prosecution comments thereto; defendants' application for documents; motions and reports; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Defendants' clemency petitions, in three bound volumes, were directed to the military governor, the Judge Advocate General, and the U.S. District Court for the District of Columbia. The finding aids summarize transcripts, exhibits, and the official court file.

Case VI was heard by U.S. Military Tribunal VI from August 14, 1947, to July 30, 1948. Along with records of other Nuernberg

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and Far East war crimes trials, the records of this case are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The I. G. Farben Case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weizsäcker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the IMT against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943; Executive Order 9547 of May 2, 1945; the London Agreement of August 8, 1945; the Berlin Protocol of October 6, 1945; and the IMT Charter.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. Procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the IMT and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

Formation of the I. G. Farben Combine was a stage in the evolution of the German chemical industry, which for many years led the world in the development, production, and marketing of organic dyestuffs, pharmaceuticals, and synthetic chemicals. To control the excesses of competition, six of the largest chemical firms, including the Badische Anilin & Soda Fabrik, combined to form the Interessengemeinschaft (Combine of Interests, or Trust) of the German Dyestuffs Industry in 1904 and agreed to pool technological and financial resources and markets. The two remaining chemical firms of note entered the combine in 1916. In 1925 the Badische Anilin & Soda Fabrik, largest of the firms and already the majority shareholder in two of the other seven companies, led in reorganizing the industry to meet the changed circumstances of competition in the post-World War markets by changing its name to the I. G. Farbenindustrie Aktiengesellschaft, moving its home office from Ludwigshafen to Frankfurt, and merging with the remaining five firms.

Farben maintained its influence over both the domestic and foreign markets for chemical products. In the first instance the German explosives industry, dependent on Farben for synthetically produced nitrates, soon became subsidiaries of Farben. Of particular interest to the prosecution in this case were the various agreements Farben made with American companies for the exchange of information and patents and the licensing of chemical discoveries for foreign production. Among the trading companies organized to facilitate these agreements was the General Anilin and Film Corp., which specialized in photographic processes. The prosecution charged that Farben used these connections to retard the "Arsenal of Democracy" by passing on information received to the German Government and providing nothing in return, contrary to the spirit and letter of the agreements.

Farben was governed by an Aufsichtsrat (Supervisory Board of Directors) and a Vorstand (Managing Board of Directors). The Aufsichtsrat, responsible for the general direction of the firm, was chaired by defendant Krauch from 1940. The Vorstand actually controlled the day-to-day business and operations of Farben. Defendant Schmitz became chairman of the Vorstand in 1935, and 18 of the other 22 original defendants were members of the Vorstand and its component committees.

Transcripts of the I. G. Farben Case include the indictment of the following 24 persons:

Otto Ambros: Member of the Vorstand of Farben; Chief of Chemical Warfare Committee of the Ministry of Armaments and War Production; production chief for Buna and poison gas; manager of Auschwitz, Schkopau, Ludwigshafen, Oppau, Gendorf, Dyhernfurth, and Falkenhagen plants; and Wehrwirtschaftsfuehrer.

Max Brueggemann: Member and Secretary of the Vorstand of Farben; member of the legal committee; Deputy Plant Leader of the Leverkusen Plant; Deputy Chief of the Sales Combine for Pharmaceuticals; and director of the legal, patent, and personnel departments of the Works Combine, Lower Rhine.

Ernst Buergin: Member of the Vorstand of Farben; Chief of Works Combine, Central Germany; Plant Leader at the Bitterfeld and Wolfen-Farben plants; and production chief for light metals, dyestuffs, organic intermediates, plastics, and nitrogen at these plants.

Heinrich Bueteftisch: Member of the Vorstand of Farben; manager of Leuna plants; production chief for gasoline, methanol, and chlorine electrolysis production at Auschwitz and Moosbierbaum; Wehrwirtschaftsfuehrer; member of the Himmler Freundeskreis (circle of friends of Himmler); and SS Obersturmbannfuehrer (Lieutenant Colonel).

Walter Duerrfeld: Director and construction manager of the Auschwitz plant of Farben, director and construction manager of the Monowitz Concentration Camp, and Chief Engineer at the Leuna plant.

Fritz Gajewski: Member of the Central Committee of the Vorstand of Farben, Chief of Sparte III (Division III) in charge of production of photographic materials and artificial fibers, manager of "Agfa" plants, and Wehrwirtschaftsfuehrer.

Heinrich Gattineau: Chief of the Political-Economic Policy Department, "WIPO," of Farben's Berlin N.W. 7 office; member of Southeast Europe Committee; and director of A.G. Dynamit Nobel, Pressburg, Czechoslovakia.

Paul Haeffliger: Member of the Vorstand of Farben; member of the Commercial Committee; and Chief, Metals Departments, Sales Combine for Chemicals.

Erich von der Heyde: Member of the Political-Economic Policy Department of Farben's Berlin N.W. 7 office, Deputy to the Chief of Intelligence Agents, SS Hauptsturmfuehrer, and member of the WI-RUE-AMT (Military Economics and Armaments Office) of the Oberkommando der Wehrmacht (OKW) (High Command of the Armed Forces).

Heinrich Hoerlein: Member of the Central Committee of the Vorstand of Farben; chief of chemical research and development of vaccines, sera, pharmaceuticals, and poison gas; and manager of the Elberfeld Plant.

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Max Ilgner: Member of the Vorstand of Farben; Chief of Farben's Berlin N.W. 7 office directing intelligence, espionage, and propaganda activities; member of the Commercial Committee; and Wehrwirtschaftsfuehrer.

Friedrich Jaehne: Member of the Vorstand of Farben; chief engineer in charge of construction and physical plant development; Chairman of the Engineering Committee; and Deputy Chief, Works Combine, Main Valley.

August von Knieriem: Member of the Central Committee of the Vorstand of Farben; Chief Counsel of Farben; and Chairman, Legal and Patent Committees.

Carl Krauch: Chairman of the Aufsichtsrat of Farben and Generalbevollmaechtigter fuer Sonderfragen der Chemischen Erzeugung (General Plenipotentiary for Special Questions of Chemical Production) on Goering's staff in the Office of the 4-Year Plan.

Hans Kuehne: Member of the Vorstand of Farben; Chief of the Works Combine, Lower Rhine; Plant Leader at Leverkusen, Elberfeld, Uerdingen, and Dormagen plants; production chief for inorganics, organic intermediates, dyestuffs, and pharmaceuticals at these plants; and Chief of the Inorganics Committee.

Hans Kugler: Member of the Commercial Committee of Farben; Chief of the Sales Department Dyestuffs for Hungary, Rumania, Yugoslavia, Greece, Bulgaria, Turkey, Czechoslovakia, and Austria; and Public Commissar for the Falkenau and Aussig plants in Czechoslovakia.

Carl Lautenschlaeger: Member of the Vorstand of Farben; Chief of Works Combine, Main Valley; Plant Leader at the Hoechst, Griesheim, Mainkur, Gersthofen, Offenbach, Eystrup, Marburg, and Neuhausen plants; and production chief for nitrogen, inorganics, organic intermediates, solvents and plastics, dyestuffs, and pharmaceuticals at these plants.

Wilhelm Mann: Member of the Vorstand of Farben, member of the Commercial Committee, Chief of the Sales Combine for Pharmaceuticals, and member of the SA.

Fritz ter Meer: Member of the Central Committee of the Vorstand of Farben; Chief of the Technical Committee of the Vorstand that planned and directed all of Farben's production; Chief of Sparte II in charge of production of Buna, poison gas, dyestuffs, chemicals, metals, and pharmaceuticals; and Wehrwirtschaftsfuehrer.

Heinrich Oster: Member of the Vorstand of Farben, member of the Commercial Committee, and manager of the Nitrogen Syndicate.

Hermann Schmitz: Chairman of the Vorstand of Farben, member of the Reichstag, and Director of the Bank of International Settlements.

Christian Schneider: Member of the Central Committee of the Vorstand of Farben; Chief of Sparte I in charge of production of nitrogen, gasoline, diesel and lubricating oils, methanol, and organic chemicals; Chief of Central Personnel Department, directing the treatment of labor at Farben plants; Wehrwirtschaftsfuehrer; Hauptabwehrbeauftragter (Chief of Intelligence Agents); Hauptbetriebsfuehrer (Chief of Plant Leaders); and supporting member of the Schutzstaffeln (SS) of the NSDAP.

Georg von Schnitzler: Member of the Central Committee of the Vorstand of Farben, Chief of the Commercial Committee of the Vorstand that planned and directed Farben's domestic and foreign sales and commercial activities, Wehrwirtschaftsfuehrer (Military Economy Leader), and Hauptsturm-fuehrer (Captain) in the Sturmabteilungen (SA) of the Nazi Party (NSDAP).

Carl Wurster: Member of the Vorstand of Farben; Chief of the Works Combine, Upper Rhine; Plant Leader at Ludwigshafen and Oppau plants; production chief for inorganic chemicals; and Wehrwirtschaftsfuehrer.

The prosecution charged these 24 individual staff members of the firm with various crimes, including the planning of aggressive war through an alliance with the Nazi Party and synchronization of Farben's activities with the military planning of the German High Command by participation in the preparation of the 4-Year Plan, directing German economic mobilization for war, and aiding in equipping the Nazi military machines.¹ The defendants also were charged with carrying out espionage and intelligence activities in foreign countries and profiting from these activities. They participated in plunder and spoliation of Austria, Czechoslovakia, Poland, Norway, France, and the Soviet Union as part of a systematic economic exploitation of these countries. The prosecution also charged mass murder and the enslavement of many thousands of persons particularly in Farben plants at the Auschwitz and Monowitz concentration camps and the use of poison gas manufactured by the firm in the extermination

¹The trial of defendant Brueggemann was discontinued early during the proceedings because he was unable to stand trial on account of ill health.

of millions of men, women, and children. Medical experiments were conducted by Farben on enslaved persons without their consent to test the effects of deadly gases, vaccines, and related products. The defendants were charged, furthermore, with a common plan and conspiracy to commit crimes against the peace, war crimes, and crimes against humanity. Three defendants were accused of membership in a criminal organization, the SS. All of these charges were set forth in an indictment consisting of five counts.

The defense objected to the charges by claiming that regulations were so stringent and far reaching in Nazi Germany that private individuals had to cooperate or face punishment, including death. The defense claimed further that many of the individual documents produced by the prosecution were originally intended as "window dressing" or "howling with the wolves" in order to avoid such punishment.

The tribunal agreed with the defense in its judgment that none of the defendants were guilty of Count I, planning, preparation, initiation, and waging wars of aggression; or Count V, common plans and conspiracy to commit crimes against the peace and humanity and war crimes.

The tribunal also dismissed particulars of Count II concerning plunder and exploitation against Austria and Czechoslovakia. Eight defendants (Schmitz, von Schnitzler, ter Meer, Buergin, Haefliger, Ilgner, Oster, and Kugler) were found guilty on the remainder of Count II, while 15 were acquitted. On Count III (slavery and mass murder), Ambros, Bueteftisch, Duerrfeld, Krauch, and ter Meer were judged guilty. Schneider, Bueteftisch, and von der Heyde also were charged with Count IV, membership in a criminal organization, but were acquitted.

The tribunal acquitted Gajewski, Gattineau, von der Heyde, Hoerlein, von Knieriem, Kuehne, Lautenschlaeger, Mann, Schneider, and Wurster. The remaining 13 defendants were given prison terms as follows:

<u>Name</u>	<u>Length of Prison Term (years)</u>
Ambros	8
Buergin	2
Bueteftisch	6
Duerrfeld	8
Haefliger	2
Ilgner	3
Jaehne	1 1/2
Krauch	6
Kugler	1 1/2
Oster	2
Schmitz	4
von Schnitzler	5
ter Meer	7

All defendants were credited with time already spent in custody.

In addition to the indictments, judgments, and sentences, the transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty) and opening statements of both defense and prosecution.

The English-language transcript volumes are arranged numerically, 1-43, and the pagination is continuous, 1-15834 (page 4710 is followed by pages 4710(1)-4710(285)). The German-language transcript volumes are numbered 1a-43a and paginated 1-16224 (14a and 15a are in one volume). The letters at the top of each page indicate morning, afternoon, or evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Two commission hearings are included in the transcripts: that for February 7, 1948, is on pages 6957-6979 of volume 20 in the English-language transcript, while that for May 7, 1948, is on pages 14775a-14776 of volume 40a in the German-language transcript. In addition, the prosecution made one motion of its own and, with the defense, six joint motions to correct the English-language transcripts. Lists of the types of errors, their location, and the prescribed corrections are in several volumes of the transcripts as follows:

- First Motion of the Prosecution, volume 1
- First Joint Motion, volume 3
- Second Joint Motion, volume 14
- Third Joint Motion, volume 24
- Fourth Joint Motion, volume 29
- Fifth Joint Motion, volume 34
- Sixth Joint Motion, volume 40

The prosecution offered 2,325 prosecution exhibits numbered 1-2270 and 2300-2354. Missing numbers were not assigned due to the difficulties of introducing exhibits before the commission and the tribunal simultaneously. Exhibits 1835-1838 were loaned to an agency of the Department of Justice for use in a separate matter, and apparently No. 1835 was never returned. Exhibits drew on a variety of sources, such as reports and directives as well as affidavits and interrogations of various individuals. Maps and photographs depicting events and places mentioned in the exhibits are among the prosecution resources, as are publications, correspondence, and many other types of records.

The first item in the arrangement of prosecution exhibits is usually a certificate giving the document number, a short description of the exhibits, and a statement on the location of the original document or copy of the exhibit. The certificate is followed by the actual prosecution exhibit (most are photostats,

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but a few are mimeographed articles with an occasional carbon of the original). The few original documents are often affidavits of witnesses or defendants, but also ledgers and correspondence, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
322	NI 5140	1558	NI 11411
918	NI 6647	1691	NI 12511
1294	NI 14434	1833	NI 12789
1422	NI 11086	1886	NI 14228
1480	NI 11092	2313	NI 13566
1811	NI 11144		

In rare cases an exhibit is followed by a translation; in others there is no certificate. Several of the exhibits are of poor legibility and a few pages are illegible.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, Reichsgesetzblatt excerpts, photographs, and other items. The 4,257 exhibits for the 23 defendants are arranged by name of defendant and thereunder by exhibit number. Individual exhibits are preceded by a certificate wherever available. Two sets of exhibits for all the defendants are included.

Translations in each of the prosecution document books are preceded by an index listing document numbers, biased descriptions, and page numbers of each translation. These indexes often indicate the order in which the prosecution exhibits were presented in court. Defense document books are similarly arranged. Each book is preceded by an index giving document number, description, and page number for every exhibit. Corresponding exhibit numbers generally are not provided. There are several unindexed supplements to numbered document books. Defense statements, briefs, pleas, and prosecution briefs are arranged alphabetically by defendant's surname. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 key documents are filmed from which Tribunal VI derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of members of the tribunal and counsels. These are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by the minute book, consisting of summaries of the daily proceedings, thus providing an additional finding aid for the transcripts. Exhibits are listed in an index that notes the

type, number, and name of exhibit; corresponding document book, number, and page; a short description of the exhibit; and the date when it was offered in court. The official court file is summarized by the progress docket, which is preceded by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of the English-language document books.

The records of the I. G. Farben Case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the IMT, T988; NI (Nuernberg Industrialist) Series, T301; NM (Nuernberg Miscellaneous) Series, M-936; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; NP (Nuernberg Propaganda) Series, M942; WA (undetermined) Series, M946; and records of the Brandt case, M887; the Milch Case, M888; the Altstoetter case, M889; the Pohl Case, M890; the Flick Case, M891; the List case, M893; the Greifelt case, M894; and the Ohlendorf case, M895. In addition, the record of the IMT at Nuernberg has been published in the 42-volume *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947). Excerpts from the subsequent proceedings have been published in 15 volumes as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (Washington). The Audiovisual Archives Division of the National Archives and Records Service has custody of motion pictures and photographs of all 13 trials and sound recordings of the IMT proceedings.

Martin K. Williams arranged the records and, in collaboration with John Mendelsohn, wrote this introduction.

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*Defense
Case 6*

TRIBUNAL VI

CASE VI

DOCUMENT BOOK VIII

for

Dr. Heinrich Buotofisch

Presented by the

Defense Counsel

Dr. Hans Flachsenor

Attorney at Law.



Aug 1

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<u>Page</u>	<u>Description of the document</u>	<u>Doc. No.</u>	<u>Exh.</u>
1	<u>Auschwitz and Pierstenerube</u> Affidavit dated 3.11.1947 by Dr. Hans Polster. Doc. 156 As technical manager of the Buna works Dr. Buchfisch was not competent for dealing with welfare and personnel matters. He had nothing to do with matters concerning the workers.		
2	<u>Affidavit dated 3.12.1947 by Dr. Ferdinand Bortens.</u> The affiant directed the Office of the Chief Betriebsführer of the I.G. and recorded the minutes of the Betriebsführer Conferences and the meetings of the Unternehmensrat. He states that Dr. Buchfisch had to deal purely with technical and industrial matters and had nothing to do with social welfare questions. He belonged neither to the Unternehmensrat nor did he take part in the Betriebsführer conferences.	Doc. 62	
4	<u>Affidavit dated 10.2.1948 by Paul Schneider. Doc. 277</u> The affiant who was an expert in the Mineral Oil Department of the Reich Ministry of Economics, states that during the war the industry was deprived of any initiative of its own in the expansion of fuel production. Production was expanded when directives to that effect were issued by the authorities, and after receipt of those directives the firms had to submit statements that everything was ready for construction work (Baufortschreibung). This was then confirmed by the Ministries.	Doc. 277	
5	<u>Affidavit dated 9.10.1947 by Dr. Emil Engel. Doc. 275</u> The affiant had developed a new process for the production of alcohol and later Synol (Synol Process), which, on directives from the Reich Ministry of Economics, was to be introduced either at or near the Buna works. In February 1941 the Reich authorities ordered that this plant should be merged with the new Buna works at Auschwitz. The first technical conference dealing with this matter was held on 23.2.1941. After some time had elapsed the Synol plant was replaced by a Methanol plant. The affiant did not get to know that there was a concentration camp at Auschwitz until many months later, as this fact was not mentioned during the meetings on the planning of the Synol plant. Dr. Buchfisch had the over-all charge of the planning of the Synol plant and had the progress of the work reported to him by the persons whom he had designated. All	Doc. 275	

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Page	Description of the document	Bac.No.	Exh.
	department managers and specialists at Lüneburg had a part in the Auschwitz project and therefore had frequent visits.		
10	<u>Affidavit dated 22.1.45 by Dr. Erich Krugmuhl, Bno.174</u> Dr. Krugmuhl of the Reich Office for Economic Development states that Lüneburg was requested to erect a plan for a 75,000 tons Synol plant at Auschwitz. The Goebbeln declared the project ready for construction. In July 1941, on orders from the Planning Office of the Reich Ministry of Economics, the Synol Plant was converted to Methanol. The question of requirements in materials and manpower was discussed at regular coordination conferences at the Berlin office of the Goebbeln. Here all construction projects of the Goebbeln were dealt with. The plant coordinators appointed by the Goebbeln, or the local construction leaders, were present at these conferences. Krugmuhl visited Auschwitz twice, and confirms that conditions at the building site were always orderly. He did not either hear nor was he told by anyone else of instances of mistreatment of the workers. Neither did he learn anything about the mal-treatment of concentration camp inmates or the extermination of human beings in the camp.	Bno.174	
13	<u>Affidavit dated 10.2.1945 by Dr. Krugmuhl, Bno.236</u> The Isooctane Plant at Auschwitz was projected at the orders of the Air Ministry. It was built to meet the whole of the requirements of the Reich Air Ministry, which could only be filled by utilizing all available raw materials. Lüneburg was planned for 25,000 tons Isooctane. The same applies to the Lubricating Oil Plant.	Bno.236	
15	<u>Affidavit dated 7.12.1947 by Dr. Hermann Jahn, Bno.172</u> The affiant, as honorary collaborator of the Goebbeln, looked after the synthetic lubricating oil plants which had been ordered by the Goebbeln, many which were at Auschwitz. On the occasions of his visits to Auschwitz he was able to observe that the concentration camp inmates were engaged on the same work as the other workers, and were, judging from their physical condition, very well capable of this work. He neither observed himself nor heard from others that the workers were driven or ill-treated, and the same applies to conditions or operations in the Stammlager. Consequently, in his regular reports to Dr. Rustofisch he could not have communicated such things.	Bno.172	

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Page	Description of the document	Buo. No. Ed.
18	<u>Affidavit dated 27.1.1943 by Dr. Hermann Jörn.</u> The writer of the preceding statement definitely confirms that the Lubricating Oil Plant at Auschwitz was ordered in 1942 by the Reich Air Ministry and the Works were obliged to instal it.	Buo. 163
20	<u>Affidavit dated 21.1.1943 by Dr. Johann Glosen.</u> The affiant confirms that at the beginning of 1941 the Buna Works received a request to erect a Synthesis Plant for the production of raw material for the Soapmaking Sector. For various reasons it was not possible to build this plant at Buna, and the Reich Office for Economic Development therefore ordered that a suitable Synthesis Plant be attached to the Buna Works at Auschwitz.	Buo. 179
22	<u>Affidavit dated 18.2.1943 by Karl Hoff.</u> As Chief of the Personal Staff of the Reichsführer SS, the writer got to know in February or at the beginning of March 1941 of a communication sent by Goering to Himmler, in which it was proposed to build a new I.G. factory in Upper Silesia with the help of concentration camp inmates. At the request of the Labor authorities a meeting was arranged in the affiant's office and Dr. Biotofisch was present. The latter stated the purpose of the building project; the number of workers that would be necessary was also well known. This meeting was not called on the initiative of I.G. or Dr. Biotofisch, but on instructions from the authorities, and had nothing to do with Dr. Biotofisch's relations with the SS or the Circle of Friends. Apart from this meeting the affiant has never spoken with Dr. Biotofisch on matters concerning the Auschwitz Works or I.G., either before the meeting or afterwards.	Buo. 169
24	<u>Affidavit dated 25.10.1947 by Dr. Johann Glosen.</u> The writer was responsible, among other things, for the planning of the Methanol and Isobutyl Plants at Auschwitz. According to him it was arranged to build the Synol Plant and later on the Methanol and Isobutyl Plants at Auschwitz only after the building site for the Buna Works had already been fixed. Dr. Biotofisch was responsible for the overall supervision, but his work consisted mostly of keeping himself informed of the technical progress through his representative in Buna or in Berlin.	Buo. 177

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Page Description of the document Buo.No. Edn.

He was hardly over at the Auschwitz Plant and then only for a short time. He had no say in the management or in the matter of employing concentration camp inmates. The affiant was able to observe that the detainees working on the site were properly and decently treated by the works management and other members of the plant. He himself has never heard of any outrages in the concentration camp, nor had anything of this nature been reported to him by other people, so that he could not have reported any such occurrences to Dr. Bistofflich. He can also say the same for Dr. v. Staden, who represented Dr. Bistofflich at Auschwitz.

27 Affidavit dated 19.2.1944 by Friedrich Schöner, Buo.273 contains an excerpt from the record of the construction conferences, which show that Dr. Bistofflich and the other gentlemen from Leuna were present.

29 Applications for credits to be granted to the Auschwitz works Buo.112 for the erection of plants for the Germania Section and which were sent to the TSM for approval.

42 Analysis of credit granted for the Auschwitz works Buo.166 drawn up by the Bookkeeping Department at Leuna dated 7.9.1944.

44 Affidavit dated 23.1.1945 by Dr. Hans Stuck, Buo.259 as former chief engineer of Sparte I and of the Leuna works the affiant states the following:-

The proximity of the Auschwitz Concentration Camp was not at all considered to be an advantage for the new plant, as the plant was interested in securing loyal and permanent labor, and it was feared that the SS could want to have a say in running the factory. The question of labor and the welfare of the workers was considered right from the start to be one of the main problems, and it was for this very reason that Dr. Baerfeld was put in charge of the building site. All departments at Leuna contributed to the setting-up of the Sparte I Section. Not one of those responsible for the execution of the project who paid constant visits to the Plant ever reported that inadmissible methods were being used there. The writer always considered the Auschwitz building site to be one of the best managed of the large German building schemes and he made frequent visits to the workers' camps.

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Page	Description of the document	Doc No.	Exh.
	The writer heard nothing about illtreatment of the detainees or exaggerated demands on them, nor did he notice anything. On the contrary, the plant did everything it could to keep the workers allocated to it, to make them acquainted with the work and even to give them a special training. That alone goes to prove that the Works management could not have wished to change the detainees frequently.		
49	<u>Affidavit dated 24.2.1943 by Dr. Hans Kaeding.</u>	Doc 260	
	The affiant worked in Leuna on the planning of the Auschwitz Synthesis Plant and visited the Works fairly often. He saw no signs that acts of violence had been committed against detainees in the concentration camps. Dr. Gustafisch was responsible for the overall supervision of the planning, but left the details to his collaborators from whom he received reports.		
52	<u>Affidavit dated 15.6.1947 by Albert von Lom.</u>	Doc 256	
	The writer was in charge of the construction of the Synthesis Plant at Auschwitz and lived there from 1943 on, he never heard of concentration camp inmates having been killed or tortured at the Auschwitz or Buna camps.		
55	<u>Affidavit dated 7.11.1947 by Dr. Friedrich Rogge.</u>	Doc 180	
	The chief of the construction department at Leuna was in charge of the building of the Buna section at Auschwitz and therefore visited the Works frequently, but he never had reason to report to Dr. Gustafisch about any cruelties in the concentration camp simply because he had never heard that any had been committed.		
57	<u>Affidavit dated 12.11.1947 by Dr. Heinrich Streckbein.</u>	Doc 197	
	The chief of the mechanical engineering department at Leuna was likewise engaged with the Sparte I building project at Auschwitz. To his knowledge Dr. Gustafisch took care of the broad principles of the overall planning, but left the detailed work and the current decisions to the Chief of Production at Leuna, Dr. Wietaden. The affiant heard nothing at Auschwitz, about the extermination of human beings in the concentration camps or the illtreatment of concentration camp inmates in the I.G. Works, and, therefore, could not have reported these things to Dr. Gustafisch.		

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Page	Description of the document	Doc No.	Exh.
63	<u>Affidavit dated 11.2.47 by Dr. Reinhold Frick</u>	Doc 175	
	The writer was chief of the Bethel Plant at Auschwitz. Among his workers there were about 30 concentration camp detainees who worked in the warehouses and laboratories, where they did the same work as the other personnel. Their physical condition was such as to warrant this work being given to them. The works management insisted on the detainees and foreign workers being treated properly in every way. It was forbidden to strike them or to drive them wild at work. Although the affiant was there to the very end he heard nothing about people having been singled out (for the gas chambers) and atrocities having been committed.		
66	<u>Affidavit dated 29.8.1947 by Hans Pastrola</u>	Doc 185	
	The affiant was chief of a department at Auschwitz. In his department, the same as in every other section of the plant the concentration camp inmates and the foreign workers were decently and humanely treated. He never heard anything about executions and cruelties.		
67	<u>Affidavit dated 26.8.47 by Dr. Karl-Albert Earl</u>	Doc 184	
	The chief of the Low Temperature Distillation Plant at the Auschwitz works confirms that Dr. Buettfisch was not concerned with problems of the management of the works or of labor allocation. The affiant had the impression that the concentration camp inmates working in the factory were decently treated. Also he never observed anything which could lead him to believe that executions were carried out or cruelties inflicted in the concentration camp or at the Auschwitz Camp. Neither did he hear of anything from other members of the works.		
71	<u>Affidavit dated 29.9.1947 by Dr. Gerhard Appel</u>	Doc 181	
	Although the affiant was assigned to the new works at Auschwitz in the spring of 1941 and continued to work there, he never heard of any cruelties in the concentration camp and its secondary camps.		

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Page	Description of the document	Doc No.	Exh.
73	<u>Affidavit dated 7.11.1947 by Hermann Seifert.</u>	Buc 188	

The affiant has been Dr. Buotefisch's secretary since 1926, and testifies that Dr. Buotefisch limited himself to fundamental questions of planning at Auschwitz and was able to visit the works only very seldom. The responsible officials generally reported the situation to him in broad outline.

The affiant knows nothing of a visit by Kommandant Hoeser to the Leuna works. It is the writer's opinion that Dr. Buotefisch cannot have known what was happening in the concentration camp at Auschwitz and other concentration camps.

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Page	Description of the document	Bis. No.	Edn.
76	Affidavit dated 16.7.1947 by Dr. Heins Sawelsberg. The writer, who was commercial manager at Maschwitz from 1941 on, never heard anything about executions or other such happenings in the concentration camp or in any outside camp.	Bis. 189	
78	Meeting of the T.E. on 13.12.1939. Report on the coal situation. The T.E. reached the conclusion that it is desirable for the I.G. to have their own sources of coal in Upper Silesia, provided there are still good sources available.	Bis. 125	
80	Meeting of the T.E. on 1.2.1940. Report from mining expert (Bergassessor) Lehrmann on the Upper Silesian coalfield and the coal supply for the new I.G. works. The question of the I.G. having their own source of supply for coal is again discussed. The source most easily available would be the mine of the Pless'schen Bergwerke I.G.	Bis. 124	
83	Affidavit dated 9.2.1948 by Sigrun Seifert. Confirmation concerning the minutes of the meeting of the Vorstand on 14.11.1940. Further discussions on the Upper Silesian coal supply for the Breslau and Heydebreck works. Fruitless negotiations with the Hermann Goering Werke; hence further negotiations with Pless necessary; this work is entrusted to a commission, of which Dr. Bistofisch is a member.	Bis. 276	
86	Affidavit dated 13.10.1947 by Dr. Henning. The writer, an expert on low temperature distillation, was brought in by Dr. Bistofisch in 1940 to take part in the negotiations for the acquisition of a coal supply from Upper Silesia. He reports that these negotiations led at the beginning of 1941 to the agreements with the Pless'schen Bergwerke I.G. for the founding of the Pignatengrube. These negotiations were conducted on a purely industrial basis and in a very friendly spirit. According to Generaldirektor Falkenhahn, Pless I.G. was very desirous that the I.G. should have an interest, because the former was in need of funds.	Bis. 176	
87	Affidavit dated 4.12.1947 by Dr. Goldberg. The member of the Aufsichtsrat of Pignatengrube G.m.b.H., Dr. Goldberg, states that the I.G. had been negotiating since the beginning of 1940 for a source of coal supply for their Silesian works. The negotiations with Pless were always carried out in a friendly spirit and on an industrial basis, without there being any pressure or compulsion on the part of any official agency.	Bis. 94	

Page Description of the document Doc. No. Ech.

- 87 Although the I.G., with 51 1/2 of the stock capital, had the major interest and granted a certain dividend guarantee for the capital provided by Floss, yet it never interfered with the business management of the Ruerstengrube. Moreover he knew of no instance where the Aufsichtsrat or chairman of the Aufsichtsrat had issued instructions to the business manager, Herr Falkenhain, on the running of the mine. A Gentlemen's Agreement existed between the partners.
At the beginning of 1943 the Janina pit, property of the Ruerstengrube, was handed over to trustee administration through the Hauptberandstellu Ost. The negotiations on this were conducted in complete agreement between the Auersbach Floss'sche Bergwerke A.G. and the I.G. The I.G. never intended to obtain the Janina pit for itself alone. It is established beyond all doubt that the running of both the Ruerstengrube and the Janina pit which was under trustee administration was always subordinate to the business management and the mine Vorstand of the Ruerstengrube G.m.b.H. The supervisory duties of the Aufsichtsrat extended only as far as was prescribed by law. The department heard no report from Herr Falkenhain on grievances at the Ruerstengrube, on the contrary, at times that there was friendly cooperation between I.G. assets and Ruerstengrube. The Aufsichtsrat and its chairman, Dr. Deetlefsch, fulfilled their supervisory duties.

- 91 Interview taken 23 January 1943 by Dr. Ludwig. Doc. 207
The department was chief of the Hauptberandstellu Ost and stated:
"The Auersbach Floss'sche Bergwerke A.G., with I.G.-Fakten, founded a company under the name 'Ruerstengrube G.m.b.H.' at the beginning of 1941. My office had approved the foundation, because the Floss'sche Bergwerke A.G. brought into this new company a small group of mines, the Ruerstengrube, which was its property. As chief of the Hauptberandstellu Ost, I discussed the matter mainly with Dr. Ludwig but also with General-director Falkenhain. The authorities in no way tried to oppose the foundation of this company."

In 1943 the Janina pit was handed over to the trustee administration of the Ruerstengrube G.m.b.H., at Dr. Ludwig's suggestion. The Hauptberandstellu Ost decided to hand over the Janina pit to the trustee administration of the Ruerstengrube G.m.b.H. purely from considerations of expediency.

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Page Description of the document Bio.No. Exh.

The territory in which the Janina pit was situated belonged to that which had been incorporated into the Reich territory.

94 Affidavit dated 5 January 1948 by Dr. Karl Brauns, Bio.193

Dr. Brauns was chief of the production department for synthesis in Auschwitz. Part of his sphere of tasks was supplying coal for the works, in which the Puorstengrube was primarily concerned. Dr. Buctofisch, however, was not authorized to interfere with the interior running of the Puorstengrube. Consequently the coal conferences as a whole were concerned only with the delivery demands of the I.G. with reference to quality and quantity; directions as to the manner and execution of the reconstruction work and as to the allocation of material and workers were never given by I.G. This type of arrangement was dealt with exclusively by the Puorstengrube. As far as the dependent members, the employment of prisoners at the Puorstengrube was an inevitable result of the scarcity of workers.

97 Affidavit dated 24 February 1948 by Dr. Duellborn, Bio.304

The deponent was Technical Director of the Puorstengrube; Director General Falkenhahn was sole Business Manager. Dr. Buctofisch, Chairman of the Aufsichtsrat, dealt with all general matters connected with the enterprise, in consultation with Herr Falkenhahn or Herr Ludwig; the latter represented the Floss' sche Bergwerke A.G. on the Aufsichtsrat. The deponent of the affidavit did not observe that Dr. Buctofisch or the other representatives of I.G. on the Aufsichtsrat took more interest in the current business management of the Puorstengrube than is usual or right for members of the Aufsichtsrat. The quantity and quality of deliveries of coal from the Puorstengrube to the Auschwitz works were frequently discussed in friendly manner with the representatives of Auschwitz. The Puorstengrube applied now and then for I.G.'s assistance in technical matters and problems of social welfare.

The Puorstengrube had a camp in which were housed civilian workers who were under police supervision and who were pronounced concentration camp prisoners in the Fall of 1943. Moreover,

Page Description of the document Doc. No. Ed.

since free workers and prisoners of war could no longer be allocated by the Labor Allocation Authorities, more concentration camp prisoners were detailed off for the work, and, in accordance with instructions issued by the SS, a special camp was set up for them. In many respects, these concentration camp inmates were undesirable from the point of view of the contractors. Moreover, because of their lower output and the higher costs of maintaining the camp, they constituted a very great expense to the plant.

The administration of the camp was the sole responsibility of the SS. The number of prisoners at the end of 1944 was approximately 1,000 and of these, the majority was employed on surface work in the Building Sector. The food was supplied, at the expense of the Ausrüstungsgrube, by the entering establishments of the Auschwitz Works.

The trustee administration of the Ausrüstungsgrube was transferred to the Ausrüstungsgrube S.A. S.A. Approximately 500 - 600 prisoners were allocated to these mines; of these also, the majority was employed on surface work. The administration and food supplies of the camp were the same as those of the Ausrüstungsgrube.

The Quarzgrube of the Flossbach Bergwerke A.G. equally employed concentration camp inmates, as did the Bremsenke mine of the Hermann Göring Werke and other mines and works in Upper Silesia.

The allocation of concentration camp labor was the work of the Betriebsführer; approximately 20% were employed above-ground at the Ausrüstungsgrube and as many as 30% at the Quarzgrube. The prisoners were allocated to such tasks as they were able to perform, and, above all, no higher output was demanded of them than of any other worker. Both the mine administrative authorities and the Betriebsführer paid particular attention to the proper treatment of the concentration camp inmates. Corporal punishment was strictly forbidden. The official ration, even at the end of the war, amounted to over 2,500 calories.

The life of the prisoners within the camp was regulated by the SS. Entry to the camp was authorized only on presentation of a special permit. The deponent of the affidavit visited the Ausrüstungsgrube Camp upon occasions, and found it to be in good order. He saw no evidence of maltreatment of the prisoners by the SS.

There was never any large-scale transfer of the prisoners allocated to the various mines.

The deponent of the affidavit affirms that, to the time of the collapse, he saw no evidence of and received no information on the killing or maltreatment of prisoners in the Auschwitz Camp.

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Page	Description of the document	Doc. No.	Edi.
103	<u>Affidavit dated 30 June 1947 by Friedrich Silcher.</u> In the course of his work in the Legal Department of the I.G. the author visited in autumn 1944 the site of the new Pierstengrube shaft. He also visited the working camp on that occasion. All prisoners seemed to be fit and in normal health. The camp made the impression of immediate cleanliness and order. There was ample room beside the beds, each prisoner had a bed of his own. There was a dispensary, sick bay, a dental station and several workshops, all of which were well appointed. Footwear of the prisoners was in good condition; the kitchen was well equipped, food was good and plentiful. A garden had been laid out in the centre of the camp. At the end of his visit, the deponent listened to the camp orchestra in an assembly hut; their performance gave proof of protracted and thorough rehearsing. There was no SS in the camp; everything was left to the prisoners' own organization. Except for the fact that people were deprived of their freedom and of their person identity, the camp seemed to be in order in every respect; it was considered an exemplary camp.	Buc. 306	
109	<u>Affidavit dated 12 February 1948 by Dr. Heinz Saypolster.</u> The former commercial director of the Maschinenbau plant states that he never received any direct instructions from Dr. Buchenwald as far as his own sphere of work or the Pierstengrube was concerned. Workers at Pierstengrube had been supplied with food by the catering and blanching of Maschinen in accordance with the express wishes of the administration of Pierstengrube.	Buc. 253	
111	<u>Meeting of the Vorstand 17 December 1942.</u> Jenina mine has not been acquired yet, because Breitensteiner Ost has not reached agreement with its partners yet. The Pierstengrube will, however, take the mine over as trustees with effect from 1 January 1943.	Buc. 192	
112	<u>Meeting of Vorstand 2 March 1944.</u> Negotiations on the Jenina mine are nearing completion; contracts have been submitted for signature and approval to H. Breitensteiner Ost. Price 9.45 Million RM.	Buc. 199	

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Page	Description of the document	Doc No.	Edn.
113	Meeting of Vorstand 20 April 1944 "Haupttrouhandstelle Ost has attached to the requisition of the Jenina mine conditions which must be changed. Dr. Ludwig, the representative of the Pless'sche Verwaltung thinks he can persuade the Haupttrouhandstelle Ost to reconsider its decision in view of Pless' position, if he suggests changes."	Doc 231	

AFFIDAVIT

I, Dr. ing. Hans Polster, Leuna, district Merseburg, An der Gaertnerei 6, have been warned that I shall be liable to punishment for making a false statement. I herewith declare under oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal No. VI in the Palace of Justice at Nuremberg, Germany.

I was born on 4 July 1883 at Niederlössnitz near Dresden. From 1919 on I was employed at the Leunawerk. From 1932 until 1946 I was manager of the Personnel Department of the Leunawerk.

Dr. Heinrich Bueteffisch in his capacity of director and technical manager of the Leunawerk was in principle not competent for welfare and personnel matters. He was only interested in matters concerning men in key positions (plant managers, department heads). He had nothing to do with problems concerning the other employees and workers or their employment, whether they were German or foreign.

Leuna, 8 November 1947.

signed: Hans Polster

I herewith certify that this is the signature of Dr. ing. Hans Polster, Leuna, An der Gaertnerei 6, which was made before me, Attorney-at-Law Dr. Heinz Reintges, at present in Nuremberg.

signed: Dr. Heinz Reintges
Attorney-at-Law

It is herewith certified that this is
a true copy of document Bu 156.

Nuremberg, 10 February 1948

signed: Dr. Hans Flachsner

AFFIDAVIT

I, Dr. Ferdinand Bertrams, born on 5 August 1887, domiciled in Frankfurt/Main, Zeppelinallee 87, have been warned about the import of an affidavit. I herewith declare under oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal No. VI in the Palace of Justice at Nurnberg, Germany.

1. In 1918 I joined the Farbenfabrik vorm. Friedrich Bayer & Co., Leverkusen, which later on became the I.G. Farbenindustrie, as workers' welfare expert. In 1920 I became Prokurist and in 1921 deputy director. In 1929 I was transferred to the I.G. Farbenindustrie Frankfurt/Main where I, together with the competent officials of the plants, dealt with welfare problems of the I.G. plants in the Main area. When Professor Selck became Betriebsfuhrer of the entire I.G. in 1933, I was put in charge of the office specially set up for this purpose in Frankfurt and was also recorder of the minutes of Betriebsfuhrer meetings and of the advisory council (Unternehmensbeirat) of the I.G. When in 1937 Dr. Christian Schneider succeeded Professor Selck as Betriebsfuhrer of the entire I.G., I set up my office at the Leuna Werke where I had the same tasks as in Frankfurt.
2. I got to know Dr. Rustefisch very well from my activity at Leuna. His sphere of work at Leuna comprised only technical and purely industrial matters; welfare questions, especially problems concerning workers and employees of Leuna were not dealt with by him. To deal with the latter problems Dr. Schneider, in his capacity as Betriebsfuhrer, appointed Herrn v. Staden as his deputy. Dr. Rustefisch was a member of the advisory council (Unternehmens-Beirat) of the I.G. and did not participate in the general Betriebsfuhrer meetings.

Frankfurt/Main, 9 December 1947

signed: Dr. Ferdinand Bertrams

Document Bustefisch No. 82
Exhibit No.

I herewith certify that this is the signature of Dr. Ferdinand
Bartens which was today made before me.

Frankfurt/Main, 9 December 1947.

signed: Dr. Kurt Martens
(Assistant Defense Counsel Case VI)

I herewith certify that this is a true copy of the document Bus 82.
Nuremberg, 12 February 1948

signed: Dr. Hans Fleckner
(DR. HANS FLECKNER)

Excerpt from document Dr. Baetefisch No. 277

(Affidavit of Paul Schneider, Chemist, dated 18 February 1948).

During the war, the industry was deprived of any initiative of its own in the expansion of fuel production. Production was expanded and extensions added to plants when directives to that effect were issued by the authorities who determined the requirements and thus the construction of new plants from the demands of the Wehrmacht and industry. When the directives had been issued, the firms concerned who had been designated to carry them out, had to submit to the Gebechem a statement that everything was ready for construction work to begin (Baureifeerklärung) which in turn had to be confirmed by the Reich Ministry of Economy or the other supreme Reich authorities. This was done to keep the new constructions or extensions strictly in line with the required products and also to give the Reich Ministry of Economy (and all the other departments attached to it) a general idea of the required materials and manpower.

I, the undersigned Assistant Defense Counsel in Case VI, Werner BROSS, herewith certify that the above excerpt is a true copy from the document Baetefisch No. 277.

Nuernberg, 3 March 1948.

signed: Werner Bros
(Werner Bros)

Affidavit.

I, Dr. Wilhelm W E N Z E L , domiciled at Kirch Goens near Dutsbach, Pfeifergasse 13, have been warned that I shall be liable to punishment for making a false statement. I herewith declare under oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal in the Palace of Justice in Nuremberg, Germany.

I was born on 21 September 1902. From 1921 I studied at the Technical College in Darmstadt where I graduated in 1928. In 1929 I joined the I.G. Farbenindustrie Ludwigshafen-Opau plant as a chemist, and from 1934 until 1945 I was employed at the Leuna-Werke.

At the Leuna-Werke my colleagues and I developed a new synthesis for which I was responsible, and which was to take the place of the Fischer-Tropsch process. The new synthesis supplied primary aliphatic alcohols and hydrocarbons (Synol process). Dr. v. STADE informed me that at the request of the Reich Ministry of Economics a plant was to be built for this process, as these products had become very scarce. It had originally been intended to set up the plant at the Leuna-Werke. As it was not possible however to set up the plant at the Leuna-Werke itself, firstly because of danger from air raids, and secondly for lack of space, it was proposed to open up a new area in the neighborhood of the Leuna-Werke for this production.

At the end of February 1941 Dr. v. STADE informed me at a meeting that the Reich Ministry of Economics and the Reich Office

for the Development of Industry (Reichsamt fuer Wirtschaftsausbau) had ordered that the project was to be carried out at Auschwitz, where the Buna-Work 4 was also to be set up, as Auschwitz could be considered as a suitable building site. The first meeting, at which the technical details were discussed, took place on 23 February 1941 at Dr. v. STADEN'S office at the Lounawerk. At this meeting it was decided, after due consideration, to erect the Buna plant at Auschwitz. It was especially stressed that the territory was particularly suitable, i.e. it presented the following advantages:

- a) the availability of coal in the immediate vicinity,
- b) a good water supply,
- c) a railroad connection-a main line ran through the district,
- d) a sufficiently large and suitable terrain for building purposes.

Dr. v. STADEN then informed my Apartment that, in view of the fact that we had abandoned the idea of setting up a new Synol plant at Leuna or near Leuna, the authorities had given an order to the effect that we were to start immediately planning the building of the Synol plant in with the Buna plant at Auschwitz. As a start the output was to be 75 000 tons of hydrocarbon products. Several days after this meeting Dr. DIEREFELD and Dr. BRAUS, who had been chosen to carry out the project at Auschwitz, were brought into the project.

My collaborators and I then concentrated our efforts on this project for the Synol plant. After some time, and when considerable progress had already been made, the project was given up. It was replaced by a Methanol plant.

The above mentioned facts describe the stage at which Sparte I of the I.G. started to take part in the work of the building project at Auschwitz. At all the meetings the building project was dealt with only from the purely technical aspect. Not a word was said by anybody that near the building site at Auschwitz, there was a concentration camp. I learned that only many months later, although I had been commissioned with the planning of the project. It is therefore impossible that the existence of a concentration camp can have played any part in the building project at Auschwitz.

In as much as I had insight into the further development of the Auschwitz plant I can state the following:

Dr. Heinrich DUEFFELSCHE was the key man responsible for adapting the whole of the Synol plant project in the building scheme. Naturally he was only interested in the over-all planning and aspect. However, Dr. DUEFFELSCHE was kept informed of the progress of the work by Dr. v. STAHN, whom he designated, and later on by Dr. BRAUS and Dr. DUEFFELD. An order to participate in the building project of the Sparte I at Auschwitz had been given to all the big departments, such as the Construction Department, the Designing Office, the Engineering Office. The various department heads and specialists therefore frequently visited the Auschwitz plant in order to give technical advice in their fields of work.

Owing to his other activities -

he was also responsible for the technical supervision of a number of other plants - Dr. BUSTEFISCH seldom visited the Auschwitz plant. The Auschwitz plant could only play a secondary part in his field of work. He had little time to spare, owing to the fact that he was the technical manager of the Leunawerk and also dealt with special tasks in the field of fuels. Therefore Dr. v. STAHN, as well as the other competent directors of the Leunawerk, took care of the installations of the Auschwitz plant which were planned by Leunawerk; these gentlemen had to make a general report to Dr. BUSTEFISCH or had to report on specially important questions following an inspection of the plant or a meeting.

I remember the above mentioned facts very well because they concerned the construction of a large plant planned to deal with a process developed by me and which had made a lasting impression on me, the inventor. I am therefore able to affirm quite positively that my statements are true.

Kirch Geens, 9 October 1947

signed: Dr. Wilhelm FENZEL

I herewith state under oath that I have made the following alterations in my own handwriting in the above mentioned (Translator: Original) affidavit:

Page 2: line 3 the words after "details" and "discussed" were crossed out,

Page 2: line 4 the word "details" was changed into "reasons",

Page 2: line 18 the words "a few" was changed into "several",

DOCUMENT SUBSTANTIAL No. 275
EXHIBIT No.

Page 3: after the 8th line the following sentence was added:
"In as much as I had insight into the further development
of the Auschwitz plant I can state the following:"

Page 3: line 18 after "department heads" the words "and specialists"
were added.

Wiesbaden, 20 February 1948

signed: Dr. Wilhelm WENZEL

Document Serial No. 121 1948.

I herewith certify that the above signatures are those of
the chemist Dr. Wilhelm WENZEL, domiciled at Kirch - Goers near
Dutsbach, at present Wiesbaden - identified by his German
Kennkarte.

Wiesbaden, 20 February 1948

signed: signature

(L.S.)

Assessor
in his capacity as officially
appointed Deputy of the Notary
Wilhelm WOLFF

.....

I herewith certify that this is a true and correct copy
of the above document:

Muenster, 24 February 1948.

signed: Dr. Hans FLAEBERGER

Attorney-at-Law.

A f f i d a v i t . .

I, Dr. Erich Kraepohl, residing at Berlin, have been warned that I shall be liable to punishment for making a false statement. I herewith declare on oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal at the Palace of Justice, Nuremberg, Germany.

Already in 1940 Auschwitz was under consideration among other places of construction as a location for a plant where pit coal derivatives could be hydrogenated. The locations for new plants of this kind were suggested in each case by the Reich Office for Planning, and Location of Industries (Reichsstelle fuer Raumordnung) in cooperation with the Mineraloel-Baugesellschaft which selected suitable construction sites.

At the end of February 1941, however, the Gebechem (General Plenipotentiary Chemistry) decided that the location Auschwitz should be made available for the Buna plant IV. The necessary orders for the construction of the works were issued (Goering order). Thereupon the Reich Office for Economic Development considered combining the synol plant, originally planned for Leuna, with the Buna plant. The matter was discussed with Direktor Dr. von Staden (Leuna) and he was induced to plan a plant for 75,000 tons of synol. Its production should embrace paraffin wax, middle oil (Mittelcoel) and gasoline. This plant was to be built within the framework of the overall plans for Auschwitz. The first projects were submitted during the month of March. In April 1941 the Gebechem declared the project ready for construction. Dr. Duerrfeld was the engineering and construction leader for the plant. Negotiations on the further details of the plant were conducted with Dr. von Staden, e.g. the construction of a low temperature distillation plant for coal (Schwelanlage) which was to produce as a by-product fuel oil for the navy (Marineheizoel). In July 1941 also the synol plant was converted into a methanol plant on the order of the Planning Office of the Reich Ministry of Economics. This conversion was decreed by the Chemistry Department of the Reich Ministry of Economics in the form of a (Government) order (Anlage).

The Mineral Oils Department of the Gebechem was not consulted in this case.

Demands for materials and labor were dealt with at regular commissioner conferences at the Berlin office of the Gebechem. All construction projects of the Gebechem were discussed at these conferences where the commissioners of the plants, appointed by the Gebechem, or the local construction leaders appeared. It was also handled in this way in the case of Auschwitz. Dr. Buete-fisch had nothing to do with these details. He did not participate in the conferences of the commissioners. In March or April 1941 he only discussed with me as an official of the Gebechem in charge of mineral oil questions technical problems of the plants, and the coordination of these products with mineral oil planning, as well as their suitability for manufacturing detergents or fatty acid from them.

I myself visited Auschwitz twice and can confirm that I always met orderly conditions at the construction site. I did not see any case of maltreatment of the workers, nor did I learn of them otherwise. Neither did I learn there anything on maltreatment of the prisoners or on the extermination of human beings in the prisoner camps.

Belingen,

Signed : Dr. Erich Kranepuhl

The above signature of

Dr. Erich Kranepuhl, born on 20 November 1889,
Chemist in Belingen, Albertstrasse

- identified by the identification card issued by the Office of the District Councillor (Landratssamt) Belingen of 5 November 1947 No. A 20 441 -

Document Austefisch No. 174
Exhibit No.

.....
Balingen, 22 January 1948

The Clerk

signed : signature

Stamp : City of Balingen
Württemberg

Fee : 2.-- RM

Per. 39 RKO (Reich Fee Regulation)

Register No. *

This is a literal copy of the document No 174.

Muenberg, 18 February 1948

Signed : Dr. Hans Flaechaner

(Dr. Hans Flaechaner)

I, Dr. Erich Kranepuhl, residing in Balingen, have been warned that I shall be liable to punishment for making a false statement. I herewith declare on oath that my statement is true and was made to the best of my knowledge and conscience in order to be submitted as evidence to the Military Tribunal at Nuernberg, Germany.

The isooctane plant at Auschwitz was planned on the basis of an order (Auftrag) of the Air Ministry. The Air Ministry ordered the General Plenipotentiary Chemistry (Gestchem) to submit a plant for the production of about 480 000 tons a year. This high figure, demanded by the authorities, could only be obtained

by utilizing all available raw materials. A necessary consequence was that Auschwitz had also to receive a (government) order (Auftrag) for isooctane, since there were suitable starting materials there for the production of about 25 000 tons of isooctane a year. Dr. Buotefisch was informed of the overall plan. Details were discussed with the local officials in charge of construction. The minutes were taken down by the Chemistry Department of the Gestchem.

The same goes also for the Auschwitz lubricating oil plant.
Balingen, 10 February 1948.

signed : Dr. Erich Kranepuhl

The above signature of

Document Blotefisch No. 298
Exhibit No.

Dr. K r a m e r p u h l , E r i c h , Chemist

residing at Balingen, Ebertstrasse 30, (who signed in my
presence) is herewith publicly certified.

Balingen, 10 February 1948

The Clerk

(L.S.) signed : Signature

Value - : 1000 RM

FEE : 2 RM

Register No. 3/II/47

Certified literal and correct copy of the above document .

Nuernberg, 16 February 1948

signed : Dr. Hans Fleckhauer

Attorney

Affidavit.

I, Dr. Hermann ZORN, residing at Rosenthal, District of Frankenberg, House No. 329, have been warned that I shall be liable to punishment for making a false statement. I herewith declare on oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal at the Palace of Justice, Nuernberg, Germany.

1. I was born at Hamburg on 24 January 1896. After studying chemistry I was Assistant at the Technical College in Dresden and entered the Oppau plant of the I.G. Farbenindustrie in May 1926. Here I worked as a group leader in the research institute. I was head of a research laboratory in the Leuna plant from September 1938 until June 1945.
2. From the middle of 1941 onwards I was an honorary associate with the Plenipotentiary General for special questions of chemical production (Gebochen). I worked there in the field of natural and synthetic lubricants. Therefore I placed my technical advice at the disposal of the synthetic lubricating oil plants which were demanded by the Luftwaffe and erected by order of the Gebochen and in fulfillment of orders issued. More honorary associates from other industries were also invited by the Gebochen for consultation in the field of lubricating oil plants.
3. The lubricating oil plants in Auschwitz were also among the projects and constructions mentioned above. These plants were demanded by the authorities in 1943, and I was put in charge of their planning by the Leuna Works. They were designed for an annual production of 4000 tons. Besides supervising the planning I also inspected the construction in Auschwitz itself on several occasions.

signed: Dr. Hermann ZORN

and therefore came to Auschwitz 3 times altogether in 1943 and 1944.

I saw concentration camp inmates employed on construction work there, working in groups together with other workers. On this occasion I was able to see that neither the work nor the pace of work exacted from these prisoners was different from the one demanded from all other construction workers. According to my judgment their physical condition was by no means such, that one could not demand normal work from them. I never observed and I never learned from anywhere else in the course of my visits that the prisoners were driven to work or, still worse, that they were beaten or maltreated. Neither did I learn anything at that time of any cruelties or of the killing of prisoners in the Auschwitz permanent concentration camps (KZ-Stammlager). Incidentally these concentration camps had no connection with the I.G. plant and were situated at a distance of several kilometers. I learned of these things only later after the collapse, through the radio and the newspapers. Therefore I had no reason to inform Dr. BUSTEFISCHE, to whom, as IG Farben member responsible for the technical over-all planning of the Leuna section in Auschwitz, I made my report after each visit to the building site, of any excesses or ill-treatment of labor.

As far as I know the employment of prisoners on the construction site in Auschwitz resulted necessarily from the employment situation there and I feel certain that the plant management of the I.G. would definitely have preferred free labor.

Ilvesheim, 7 December 1947.

signed Dr. Hermann BORN

Dr. Hermann BORN

DOCUMENT SUBJEKTIV No.172
EXHIBIT No.....

I herewith certify that Dr. Hermann ZORN appended the above
signature in his own hand in my presence today.

Ilvesheim, 7 December 1947.

signed Dr. Kurt RARTMANN

(Dr. Kurt RARTMANN)

Assistant Defense Counsel

in case VI

This is a literal copy of the document Sub 172

Munster, 16 February 1948.

signed Dr. Hans FLACHSNER

(Dr. Hans FLACHSNER)

A f f i d a v i t .

I, Dr. Hermann Z o r n , residing at Rosenthal, District of Frankenberg/Eder, House 229, have been warned that I shall be liable to punishment for making a false statement. I, herewith, declare on oath that my statement is true and was made in order to be submitted ^{as evidence/} to the Military Tribunal at the Palace of Justice, Nuernberg, Germany.

1. I was born at Hamburg on 24 January 1896. After studying chemistry I was Assistant at the Technical College in Dresden and entered the Oppau plant of the I.G. Farbenindustrie in May 1926. Here I was leader of a working group in the research institute there. I was head of a research laboratory in the Leuna plant from September 1938 until 1945.
2. After the middle of 1941 I collaborated in an honorary capacity with the Plenipotentiary general for special questions of chemical production (Gebechem). I worked there on natural and synthetic lubricants. I placed my technical advice at the disposal of the synthetic lubricating oil plants which were erected at the request of the Luftwaffe and on the orders of the Gebechem for carrying out directives issued by the authorities (Auflagen).
3. The Ester-lubricating oil plant was also part of these plans and projects. This plant was demanded by the Reich Air Ministry in 1942 and the Auschwitz Works were ordered to construct this plant with an annual production capacity of 1000 tons.

Nuernberg, 27 January 1948

signed : Dr. Hermann Zorn -
(Dr. Hermann Zorn)

I herewith certify the above signature. of

Document Bustefisch No. 183
Exhibit No.

Dr. Ing. Hermann Zorn from Rosenthal, District Frankenberg/
Pfer, who is personally known to me and who signed in my
presence.

Nuernberg, 27 January 1948

signed : Dr. Kurt Hertzmann

(Dr. Kurt Hertzmann)

Assistant Defense Counsel

This is a literal copy of the document Bie 183

Nuernberg, 12 February 1948

signed : Dr. Hans Flaschner

(DR. H/NG FLASCHNER)

AFFIDAVIT

I, Dr. Johann Gieser of Uerdingen, am Roettgen 32, having been duly advised that I shall render myself liable to punishment by making a false statement, herewith declare on oath that my statement is true. It was made in order to be submitted in evidence to the Military Tribunal No. VI in the Palace of Justice, Nuremberg, Germany.

I was born on 15 February 1896 at Essen. Since 1923 I worked in the Leunawerke of I.G. Farbenindustrie, my last position was that of Department Chief of the Organics Department. In this capacity I was responsible for the planning and supervision of the Methanol and Isobutyl Plants at Auschwitz. On account of this work I know the following about the reasons why the Leunawerke participated in the Auschwitz plant:

At the beginning of 1941 the Leunawerke were requested by the Reich Office for Industrial Development in Berlin to plan and erect a plant to make good the serious shortage of Diesel oil and paraffin since these raw materials were indispensable for the soap sector and since it had been shown by experiments at Leuna to be possible to influence quantity of these products according during the Fischer synthesis with the aid of specially selected catalysts. The Leunawerke and the Regional Planning Office as well as the Air Raid Precaution Authorities were against constructing this plant in the vicinity of Leuna because

- 1) There was no room left for such a plant,
- 2) Leuna was very much over-burdened with the manufacture of other products,
- 3) For reasons of air raid protection it seemed to be impracticable to construct new plants of this kind in the vicinity of Leuna.

The investigations conducted by the Reich Office for Industrial Development led to the proposal that this synthesis plant be attached to the new Buna plant in Upper Silesia. The following reasons were decisive in this connection:

- 1) Accessibility of coal and water,
- 2) Cheaper site preparation,
- 3) Common auxiliary plants,
- 4) Common production of water-gas, power and steam,
- 5) Possibility of constructing a phenol processing plant in Upper Silesia Leuna having been constructed only for the central German area and an additional processing capacity for phenol also having been demanded.

The Reich Office for Industrial Development decided therefore to give instructions for the erection of a synthesis plant at Auschwitz with a capacity of 75,000 tons of carbohydrates after the process stated, in accordance with the demands of the Reich Ministry of Economics.

Uerdingen, 21 January 1948

signed: Dr. Johann Giesen
(Dr. Johann Giesen)

I herewith certify that the above signature is that of Dr. Johann Giesen of Uerdingen, Am Koettgen 32, and that it was appended in my presence.

Uerdingen, 21 January 1948

signed: Werner Brosa
(Werner Brosa)
Assistant to Dr. Flaechner
Case VI, Tribunal VI

This is a true copy
of the Document Bu 179.

Nuremberg, 12 February 1948

signed: Dr. Hans Flaechner
(DR. HANS FLAECHEMER)

Excerpt from Document Pue. 169

(Affidavit Karl WOLFF of 22.9.1947)

.....

- 4) In the course of my duties or of business I never had anything to do with Dr. Buetafisch with the exception of a short discussion at the end of March 1941 in Berlin, about which I said the following in my affidavit of 25 July 1947:

"As far as I remember I learned of the contents of a letter from Goering to Himmler at the end of February or the beginning of March, 1941, which contained the order to assist the construction near Auschwitz in Upper Silesia, of a chemical plant planned by the I.G. Farbenindustrie A.G. by assigning prisoners from the neighboring concentration camp at Auschwitz. The original plan of the Reichsfuehrer-SS himself was to erect a factory under the auspices of the SS for the production of synthetic fat. Goering thwarted us in this endeavor because he was endeavoring to stop the SS from gaining too much influence in industry.

At the end of March I was informed that, according to an order from Goering, the Reich Labor Minister or the competent local labor office desired to establish contact between the Gebechem, i.e. I.G. Farbenindustrie on the one hand and the SS on the other hand, in order to prepare for the proposed allocation of prisoners for the construction of the Buna plant.

Then, at the end of March, a discussion was held in my office in Prinz Albrechtstrasse in Berlin in which Dr. Buetafisch, Dr. Duerrfeld, and another man of the same firm participated as representatives of I.G. Farbenindustrie.

Dr. Buetevisch explained the purpose of the construction project. The other two gentlemen gave estimates of the anticipated total personnel requirements but I do not remember the details. The discussion lasted a relatively short time. I told the gentlemen that they would receive a letter from the competent SS administration, or SS office, wherein more detailed conditions for the allocation of prisoners would be given."

Thus this conference did not take place at the instance of I.G. Farbenindustrie, and certainly not on Dr. Buetevisch's suggestion, but at the request of the authorities named. The subject of the conference and the way it was conducted had nothing whatsoever to do with Buetevisch's membership of the Circle of Friends or with his SS rank. Neither before nor after this conference have I discussed with Dr. Buetevisch the Auschwitz plant or other affairs of his firm.

.....

This is to certify that the above is an accurate excerpt from the original Buetevisch document No. 159.

Nuremberg, 1 March 1948

signed: Werner BECK

Assistant Defense Counsel

AFFIDAVIT

I, Dr. Johann Giesen of Uerdingen, am Roettgen 32, having been duly advised that I shall render myself liable to punishment by making a false statement, herewith declare on oath that my statement is true. It was made to be submitted in evidence to the Military Tribunal, Palace of Justice, Nuremberg, Germany.

- 1) I was born in Essen on 18 February 1896. Since 1923 I was employed in the Leunawerke of I.G. Farbenindustrie, my last position was that of Department Chief of the Organics Department. Among other things I was responsible for the planning and supervision of the Methanol and Isobutyl Plants which were to be erected at Auschwitz. Within the scope of this work I frequently visited the Auschwitz Plant during the years 1941 to 1944. There I held numerous discussions on the above-mentioned plants, participated from the end of the year 1943 onward in a number of building conferences and I also availed myself of every opportunity during my presence in Upper Silesia of inspecting progress of the Auschwitz Plants.
- 2) Originally the Auschwitz Plant had been planned exclusively as a Buna plant, i.e. as a plant which was run from Ludwigshafen. It was only in the course of further planning, after the site of the plant had already been agreed upon, that it was decided on orders of the Reich Office for Industrial Development to construct within the Auschwitz Work plants for Synol and later on for Methanol and Isobutyl, planning being carried out at Leuna. In this way Auschwitz became a plant in which both Sparte I and Sparte II participated.
- 3) Dr. Heinrich Boetefisch in his capacity as technical manager of the Leunawerke was responsible for the supervision of the plants of the Auschwitz Works which were planned at Leuna. His activity was practically limited

to keeping himself informed of the progress of the construction work and the state of the technical equipment of the plants and to giving advice on important technical questions when necessary. Apart from that his deputy was the late Dr. von Staden, the Director of the production plants of the Leunawerke.

Therefore, as far as I know, Dr. Buefisch was only in the Auschwitz Plant very seldom and for a short time. I never met him once at the building conferences which took place at Auschwitz in which, as mentioned above, I often participated. Dr. Buefisch was generally informed about the Auschwitz plants at Leuna or in Berlin by the responsible consultants. As far as I know, Dr. Buefisch never exercised any influence on matters of plant management or on questions of administration or particularly, on the employment of concentration camp inmates as workers.

- 4) The concentration camp inmates who worked on the building site of the Auschwitz Plant were, as far as I could observe, always treated correctly and decently by the factory management and by plant employees. The factory management or the plant employees were not in a position to exercise any influence on the treatment of the inmates by SS and Kapos, they could not even investigate it. At Auschwitz I never heard anything about the extermination of human beings or of similar excesses against concentration camp inmates, neither from my own observations nor from information supplied by other persons. There was, therefore, no reason why I should report such happenings to my superiors, for instance, to Dr. Buefisch.

Neither do I know that Dr. von Staden noticed atrocities of the kind mentioned and reported on them

to Dr. Bustefisch or to any other superior.

signed: Dr. Johann Giesen

Uerdingen, 13 October 1947

I herewith certify that the above signature is that of Dr. Johann
Giesen of Uerdingen, being known to me in person.

Uerdingen, 23 October 1947

signed: Dr. Heinz Reintges
Dr. Heinz Reintges
Attorney-at-Law
Assistant Defense Counsel Case VI

This is a true copy of Document No 177.

Nuremberg, 19 February 1948.

signed: Dr. Hans Flachsner
(DR. HANS FLACHSNER)

AFFIDAVIT

I, Friedrich SCHWOERER, of Ludwigshafen/Rhine, having been duly advised that I shall render myself liable to punishment by making a false statement, herewith declare on oath that my statement is true. It was made to be submitted in evidence to the Military Tribunal, Palace of Justice, Nuremberg, Germany.

Until 1945 I worked as an employee of I.G. Farben at Ludwigshafen in the Directorate Office of Sparte I at Oppau. I have compiled the attached table from the available records of the building conferences on the Auschwitz Plant. The latter shows which members of the factory management and of the departments of Leuna attended these conferences.

Nuremberg, 19 February 1948

signed: Friedrich Schwoerer
(Friedrich Schwoerer)

I herewith certify that the above signature is that of Herr Friedrich Schwoerer, of Ludwigshafen/Rhine, and that it was appended in my presence.

Nuremberg, 19 February 1948

signed: Dr. Kurt Hartmann
(Dr. Kurt Hartmann)
Assistant Defense Counsel
Case No. VI

List of persons present.

Conference: Bustefisch Schneider *v.Staden Sauer Strombeck Braus

1.		*			
2.					
3.		*	*	*	*
4.		*	*		*
5.		*	*		*
6.					
7.			*		*
8.	*	*	*		*
9.		*			*
10.		*			*
11.					*
12.	*	*			*
13.		*			*
14.		*		*	*
15.			*	*	*
16.		*			*
17.		*			*
18.		*			*
19.			*		*
20.	*	*	*		*
21.		*	*	*	*
22.		*	*		*
23.				*	*
24.	*	*	*	*	*
25.		*	*		*
26.					

signed: Friedrich Schwoerer
(Friedrich Schwoerer)

List of names:

Direktor Dr. Bustefisch
Direktor Dr. Schneider
Direktor Dr. v. Staden
Direktor Dr. Sauer
Direktor Dr. Strombeck
Dr. Braus
Obering. Dr. Hoopke
Dipl. Ing. v. Lön
Dr. Aepel
Dipl. Ing. Loetsch
Dr. Weber
Dipl. Ing. Sitzgenstuhl.

Enclosure to Document Bustefisch No. 273

List of persons present (Continued)

Conference: Hoepke v. Los Appel Loetsch Weber Katzenstuhl

1.						
2.						
3.	*	*		*		
4.			*			
5.	*	*		*		
6.			*			
7.			*			
8.		*		*		*
9.	*	*	*	*		
10.	*	*	*	*		*
11.	*			*		*
12.	*	*		*	*	
13.		*				*
14.	*	*		*		
15.	*	*		*		*
16.	*		*	*		*
17.			*			*
18.		*	*			
19.	*	*	*	*	*	*
20.	*	*	*	*	*	*
21.	*	*	*	*	*	*
22.	*	*	*			
23.	*	*	*			
24.		*	*			
25.		*	*		*	
26.	*	*	*		*	

signed: Friedrich Schwoerer
(Friedrich Schwoerer)

Document Baetefisch No. 112

Exhibit No.

L.G. Auschwitz

Cost Analysis

CREDIT APPLICATION

Program No. File No. 503 Title..... Date: 16 August 1941

Department Auschwitz Supplement

Plant : Gas factory File No. Substitute

Building : File No. 00700, 00701, 00701a, 00702, New demand
00709, 00715, 00716, 00722

Subject : Construction of a factory for the production of
synthesis gas.

Reason :

6 rotary grid gas generators and 14 tapping generators are first to be set up in the gas factory supplying the Auschwitz Works with synthesis gas. The cost of the plant with accessories (dust remover, refrigeration, slag remover, compressor for air, O₂ and CO₂, Thiesen washers and pipe lines) and 2 crude gas holders, each with a capacity of 30 000 cubic meters and 1 surplus gas holder with a capacity of 10 000 cubic meters amount to

RM 22 140 000.-

We request approval for the credits required.

Reference number : M. B. X 5543

signed: v. Loe,

" Duerrfeld

Approved on..... " Braun,

Approval in advance on 11 May 1941 " v. Staden

Included in the budget: yes signed : Signature

Document Buetafisch No. 112

Exhibit No.

I.G. Auschwitz

Cost Analysis *

CREDIT APPLICATION

Program No. File No. 504 Title..... Date: 19 August 1941

Department Auschwitz Supplement

Plant : H₂S-sulphur purification plant File No. Substitute

Building : File No. 00710 New demand

Subject : Construction of a sulphur purification plant.

Reason :

An F-carbon plant is to be set up for the elimination of H₂S - sulphur from the synthesis gas.

The costs of the plant consisting of 20 adsorbers and equipment for the production of sulphur amounts to

RM 3 614 000.-

We request approval.

Reference number : W.R. X 5543

signed: Sauer, signed v. Low

" Duerrfeld

" Braus,

Approved on.....

" Strombeck

" v. Staden

signed : Signature

Approved in advance on 11 May 1941

Included in the budget : yes

Document Buerefisch No. 112

Exhibit No.

I.G. A u s c h w i t z

Cost Analysis

CREDIT APPLICATION

Program No. . File No. 505 Title Date: 16 August 1941

Department Auschwitz Supplement

Plant : Oxygen factory File No. Substitute

Building : File No. 00712, 00719, 00720 New demand

Subject : Construction of an Oxygen factory.

Reason :

An air decomposition plant with 8 Linde-Praxel apparatuses must be procured in order to supply the gas factory and some smaller customers (work shops) with oxygen. The costs of the plant including the air suction system and the gas holder for oxygen and nitrogen amounts to

RM 12 200 000.-

We request approval for the credits required.

Reference number : P. Ro X 5543

signed : v. Lom

" Duerrfeld

" Braus

Approved on

" v. Staden

signed : Signature

Approved in advance on 11 May 1941

Included in the budget : yes

I.G. AUSCHWITZ

Cont. Analysis

CREDIT APPLICATION

Program No. File No. 506 Title Date: 11 October 1941

Department Auschwitz Supplement

Plant: Compressor plant for Methanol and Isobutyl and for the production of pure Hydrogen gas Substituted

Building: File No. 00730

Secret 4

Subject: Construction of
a compressor plant

1. This is top secret in the sense of # 88 RSTGB (Ranch Panel Code)
2. To be forwarded in closed envelope only. "Registered" if sent by mail.
3. To be kept under lock and key. This being the responsibility of the addressee.

Reason

A building with 7 compressors (Einheitskompressoren) for methanol and isobutyl oil synthesis and 2 smaller compressors for the plant producing pure hydrogen must be erected in order to compress synthesis gas for the high pressure plant of the Auschwitz Works.

We request approval for the required credits which amount to

RM. 12,200,000.—

We herewith withdraw the program, approved on 24 September 1941,
for 7 medium pressure and 2 smaller high pressure compressors, amount-
ing to RM 7,500,000.--

Reference number: 7 Ro X 5543

Approved in advance on

signed: Dr. Buttfisch
" Schneider

sign.: v.Lom
" Duerrfeld
" Bräus
" v.Staden

Included in the budget: yes

I.G. / u s c h w i t z

Cost Analysis

Advance /approval Application

Ad Program No. File No. 534

date: 21 October 1941

Department /uschwitz

Plant: Phenol disintegration plant
File No.

Building No. File No. 00680, 00681, 00682

S e c r e t

1. This is a top secret in the sense of # 88 RStGB (Reich Penal Code)
2. To be forwarded in closed envelope only. "Registered", if sent by mail.
3. To be kept under lock and key, this being the responsibility of the addressee.

A plant for the distillation of 1500 metric tons of raw phenol oils is to be set up in /uschwitz on the instigation of the Reich Office for Economic Development. The phenols will be furnished in part by Bleichhammer, and in part produced at the pit-coal low temperature distillation plant in /uschwitz. It is anticipated that 3 bell floor columns will be required for this purpose. The apparatuses must be ordered immediately, owing to the time taken for delivery.

The construction of the complete plant will require approximately

RM 2 050 000.--

Since a definite estimate cannot be made at the moment, we request approval for the immediate order, i.e. the construction of the objects mentioned below in order to save time.

Approved on

signed : Loetzsch

.....

" v. Lom

" Duerrfeld

Document Rustefisch No. 112

Exhibit No.

I.G. / uschwitz

Cost / analysis

CREDIT APPLICATION

Program No. File No. ? Title Date : 28 November 1942

Department : Auschwitz

Plant : Water oil plant Auschwitz I

Building: File No. 00690, 00694, 00696 New demand

Subject : Plants for the production of 4000 tons annually of
Motor 426 and 504.

Reason

A plant for the production of 4000 tons annually of Motor
426 and 504 is to be constructed in Auschwitz at the instigation
of the Reich Office for Economic Development.

We request approval for the required credits, excluding the
carbonic acid plant, amounting to

RM 3 400 000.-

Reference number : 4011 5595

	signed: Adolphi
signed: Seuer "	V. Loh
" Rustefisch "	Dierrfeld
" Schneider "	Strambeck

Key for distribution : - - -

Sparte I 100%

Approved on

Approved in advance on 15 June 1942

Included in the budget : yes

I.G. Auschwitz

Analysis of costs

CREDIT APPLICATION

Program No. Az No. 618

Department Auschwitz

Plant: Compressor plant for
nitrogen production

Building: Az No. 00759

- A Secret!
1. This is top secret in the sense of
P.r. 80 R3t08 (Reich Penal Code)
 2. To be forwarded in closed envelope
only. " Registered " is sent by mail.
 3. To be kept locked safely.
Responsibility of the addressee.

Date: 31 July 1943

How closed

Subject: 2 nitrogen compressors (Einheitsverdichter fuer Stickstoff)

Reason:

2 compressors must be procured and set up for the nitrogen
production of 55 000 tons annually.

We request the approval of the credits required for it which
amount to

RM 1 925 000.-

Approved on 31 August 1943

signed Strombeck

" Bauer

" Schneider

signed Glöbe

" Hoessler

" v. Lew

" Duerrfeld

" Brous

Approved in advance signed: Schneider

Continued in the budget: Yes - No.

I.G. Auschwitz

Analysis of costs

APPLICATION FOR APPROVAL IN ADVANCE

Ad Program No. . . Az. 619

Date: 23 July 1943

Secret

Department:
Auschwitz

Plant: Compressor
plant for methanol
production

Building no.
Az(Auschwitz)
00739

1. This is a top secret in the sense of Par. 88 RStGB (Reich Penal Code)
2. To be forwarded in closed envelope only, "Registered", if sent by mail.
3. To be kept locked safely. Responsibility of the addressee.

Illegible handwritten remark

Only one compressor of the 3 required for the methanol extension, was applied for and ordered so far lack of construction volume.

The construction progress permits now the procurement of the 2 remaining compressors and their setting up in a separate building in accordance with parts methods.

The construction of the complete plant requires an amount of approximately

RM 190 000 , -

Since : definite estimate cannot take place at present, we request, in order to save time, approval for the immediate order, or, respectively, construction of the objects mentioned below.

Approved on 15 July 1943

signed: Schneider

signed: Bauer

" Strombeck

signed: Gloitz

" Hasseler

" v. Los

" Duerrfeld

" Braun

I.G. Auschwitz

Analysis of costs

APPLICATION FOR APPROVAL IN ADVANCE

Ad Program No. Az (Auschwitz) 621

Secret; Date: 11
August 1943

Department Auschwitz

Plant: Low pressure,

Building No. Az 00740

1. This is a top secret in the sense of
Pir. 88 RStGB (Reich Penal Code.)
2. To be forwarded in closed envelope
only. " Registered " if sent by mail
3. To be kept locked safely.
Responsibility of the addressee.

Since the pressure conversion plant for starting the methanol production
which is under construction will not be ready in time, it is necessary
to make temporary provisions for the start.

The construction of the entire plant requires an amount of approximately

RM 170 000.-

Since a definite estimate cannot take place at present, we request,
in order to save time, approval for the immediate order, or respectively,
construction of the objects mentioned below.

signed: v. Stöden
" Bauer

signed: Spichal
" v. Lön
" Dürrfeld

Approved on 10 August 1943

.

Signed: Schneider

Document No. Bertafoch No. 112

Exhibit No.

Lsg. Auschwitz - OS (Upper Silesia)

Analysis of costs.

Title IX L Date 31 July 1943

CREDIT APPLICATION

Secret

Program No. As (Auschwitz) 623

Department Auschwitz

Plant: Pressure water
washing plant

Building As No. 00761

1. This is a top secret in the sense of Par. 88 RStGB (Reich Penal Code)
2. To be forwarded in closed envelope only. "Registered" if sent by mail.
3. To be kept locked safely. Responsibility of the addressee.

Subject: Construction of a carbonic acid pressure water washing plant

Reason:

The construction of a carbonic acid pressure washing plant is required for the production of 55 000 tons of nitrogen a year.
We request approval of the credits required for this amounting to

RM 1 250 000 .-

Energy requirements: 1 800 kW (kilowatts)
Connection value: 2 800 kW
Low pressure steam: about 2 tons an hour in winter time.

Approved on 31 August 1943

signed: Strosbeck
" Sauer
" Schneider

signed: Hessler
" V. von
" Duerffeld
" Bruns

Approved in advance on 30 July 1943, signed Schneider

Contained in the budget: yes - no.

I.G. Auschwitz

Analysis of costs

APPLICATION FOR APPROVAL IN ADVANCE

Ad Program No. As (Auschwitz) 638

Date 24 November 1943

Department Auschwitz

Secret

Plant: Gas compressors (Account 60 150)

1. This is a top secret
in the sense of Par. 83 RStGB
(Reich Penal Code)

Building No. As 00759

2. To be forwarded in closed
envelope only, "Registered if
sent by mail.

3. To be kept locked safely.
Responsibility of the addressee.

The Skoda machines provided for the compression of pure hydrogen
for the dosage of the gas used in the methanol synthesis and for
supplying the bus plant could not so far be delivered. Consequently
the compression of hydrogen is impossible in time.

It is therefore necessary to set up in a special small engine
house, constructed from ready-made concrete blocks, 2 electrically
driven compressors available in Wyrow (made by Sulzer) each with a
capacity of bringing 1250 cbm/h (cubic meter an hour) from 8 to 300 at
additional
/pressure. A filling station is to be erected in connection with this,
in order to be able to fill up to 100 bottles of hydrogen per hour for
the Wehrmacht.

The construction of the complete plant requires an amount of
approximately

RM 240 000.-

raised to 380 000

As a final estimate cannot be made at present, we would request you, in order to avoid loss of time, to let us have approval for the immediate placing of the order for, or, respectively, the carrying out of, the objects listed below.

signed: Strombeck
v. Staden
Sauer

signed: Gleitz
" v. Ick
" Faust
" Duerffeld
" Bruns

Approved 24 November 1943

signed: Schneider

.....

I. G. Anschütz
Plants Account

ADVANCE APPROVAL APPLICATION

For Program No. 22 (Anschütz) 643

Department Anschütz

Plant ammonia synthesis

Construction No. 22 00771

A plant is to be erected for the production of liquid ammonia which uses as raw material the waste gases of the methanol factory. This requires the erection of a furnace construction.

Secret!

1. This is a top secret within the meaning of Par. 36 of the Reich Penal Code.
2. Further transmission only under seal cover and if sent by post to be registered.

Document Dr. Raetelisch No. 112
Exhibit No.....

3. To be kept securely locked on the responsibility of the receiver.

The carrying out of the complete plant requires an amount of about

RM 1,800,000.--

As a final estimate cannot be made at present, we would request you, in order to avoid loss of time, to let us have approval for the immediate ordering or, respectively, the carrying out of the objects listed below.

signed: Haeseler
v. Lon
Faust
Dierrfeld
Braus

Approved 24 January 1944

signed: Schneider

.....

I, Dr. Kurt HARTMANN, Assistant to Defense Counsel Hellmuth Henze in Case VI before the Tribunal, hereby certify that the above documents are true copies of the originals of the Credit Application or Advance Approval Applications Program No. Aa 503, 504, 505, 506, 534, 562, 616, 619, 621, 625, 633 and 643.
Nuremberg, 4 February 1948

signed: Dr. Kurt Hartmann
(Dr. Kurt Hartmann)

Document Dr. Buetefisch No. 112
Exhibit No.....

I, Dr. Kurt Hartmann, Assistant to the Defense Counsel Helmut
Hense in Case VI, hereby certify that the above document is a true
extract from the Credit Account of the Commercial Department of
the I.G. Auschwitz of 7 September 1944, Page 20.
Nuremberg, 15 January, 1948.

signed: Dr. Kurt Hartmann
(Dr. Kurt Hartmann)

Commercial Department I.G. Auschwitz
Analysis of Investments

Justizisch Document No.

Analysis of Credits

Month of June 1944

Analysis of Credits										
Plant	Amount of credit	1 Anticipated Expenditure in	2 Orders on hand in	3 amounts already entered in books			6 Total required columns 2 and 3	7 Amount still available columns 1-6	Excess Expenditure	
				Foreign capital in	Dom capital in	total of columns 3 and 4 in				
<u>Breakdown:</u>										
<u>A. Plastics</u>										
<u>1. Synthesis</u>										
I Manufacturing plant	150,514.000	153,366.000	43,402.095	53,304.390	17,898.925	70,303.853	119,105.918	78	33,752.490	4,592.438
II General plants	25,269.300	28,008.650	7,047.582	11,053.991	5,659.854	16,718.945	24,386.532	87	6,539.151	2,897.035
	175,783.300	181,374.650	50,549.784	64,863.321	22,758.777	87,622.698	144,172.462	79	45,291.641	7,589.473
Incidental expenses	909.150	909.150	-	67.524	1,696	69.220	69.220	7	847.178	7.248
<u>Total of A and B</u>										
I Manufacturing plants	272,330.600	278,244.000	85,219.076	92,356.180	31,318.387	123,674.567	208,893.643	75	15,313.342	5,952.935
II General plants	199,136.600	255,443.350	35,252.912	106,677.743	29,275.989	135,933.723	221,186.633	86	56,694.738	21,438.023
	471,467.200	534,687.350	170,472.988	199,033.923	60,594.367	259,608.290	430,080.273	80	132,008.080	27,401.008
Incidental expenses	28,573.650	30,293.650	1,331.738	2,909.327	4,461.960	27,371.237	28,703.023	94	5,481.008	3,890.383

The remarks in column 8 (Excess Expenditure) have the following meaning:

- a) - total costs of full program having been settled
- b) - supplement submitted with the Analysis of Investments
- c) - Supplement requested
- d) - Supplement requested again.

Commercial Department/Accounting Department
Analysis of Investments

signed: Signature

Auschwitz G/S, 7 September 1944

Enclosure to Document Bue No. 166

Affidavit.

I, Dr. Ing. Hans Sauer, Kronberg/Taunus, Schillerstr. 5, have been warned that I shall render myself liable to punishment if I make a false affidavit. I declare on oath that my statement is true and was made in order to be produced in evidence before the Military Tribunal VI at the Palace of Justice, Wiesbaden, Germany.

The events in the Auschwitz concentration camp being now fully known and proved, the management of the IG is now accused of not having exercised the necessary supervision and not having paid proper attention to the works in Auschwitz. In my capacity as a former engineer of Sparte I and as the leading engineer of the Leuna Werke, I make in this connection the following statement:

After the erection of a new production plant in the South-East near the Upper Silesian coal fields had been decided upon, it was almost a matter of course after even a cursory view on the map that as an almost level building site located near a river and railroad tracks Auschwitz should be selected. The disadvantage of this site was the lack of large towns and of substantial building industries in the neighborhood and the resulting difficulty in procuring suitable labor. The proximity of the Auschwitz concentration camp was by no means considered an advantage, because its workers, lacking technical leadership, appeared, at the most, only suitable for the earth work in levelling the ground. The plant, however, was interested in securing loyal and permanent labor for the works, and by no means the least consideration was the fear that, in view of

- 2 -

their "assistance", the SS might claim some right to dispose of the works and of its products which were of no little interest to them.

Thus the questions of labor procurement, accommodation and social welfare were, right from the beginning, considered among the main problems in the erection of this plant, and that was the reason that Herr Dr. Duerrfeld, whom we had come to esteem as the best technician of Leuna and, as a result of his activity as trusted for Pechlitz, as an outstanding manager of a large staff of employees, was entrusted with the management of the Auschwitz building site and finally with the management of the works. I recall that, in recognition of his merits in the field of social welfare, one of the labor camps at the Pechlitz Works prided itself on bearing Dr. Duerrfeld's name.

Auschwitz was a plant of Sparte II and of Sparte I. Dr. Schneider as well as Dr. Bustafisch attached importance to the fact that the construction of parts of the works belonging to Sparte I was supported and supervised by all competent departments of the Leuna Works, and that also in other ways the building site received all possible help from Leuna. Preliminary work was done in many planning conferences in Leuna, which were held with the respective department managers and their specialists, with visits, if required, to the Auschwitz Works in order to obtain information regarding the details and the building progress. Leuna was also represented at the great general building conferences in the Auschwitz Works. All these Leuna representatives reported to Dr. Schneider and Bustafisch on the progress at the building site, and I do not know that either of them had any reason to report on conditions which called for

- 3 -

a change. The technical commission of I.G., of which I myself was a member, also expressed its satisfaction on the occasion of two visits to the Auschwitz building site.

From my own observation and experience with other large-scale building sites in Germany, I can only say that, considering the fact that the personnel was procured practically out of nothing and well trained, I regarded the Auschwitz building site as one of the best managed, thanks to Dr. Durrfield's initiative and his understanding in social matters. The inspection of the labor camps was always one of my duties despite the fact that it was not the task of an engineer. But we all agreed that only a decently treated and well housed man is in a position to work willingly and conscientiously, as was required for our chemical large-scale synthesis processes. The purpose was not to transport as many workers as possible to the working site, to herd them together aimlessly and to drive them to work, but to achieve a high working efficiency.

From the scanty reports issued, I have learned that it is asserted that prisoners were made to work on the double, that they were mistreated and sometimes even killed. I can only describe all such statements as rumors without any foundation whatsoever, because I never heard of any such or similar occurrences and I had never occasion to observe them. Moreover, it was contrary to the work regulations and customs of the I.G. to impose heavier work on the prisoners than on other workers, including the

- 4 -

German personnel.

It would be more sensible to do the contrary and, according to my observations, that was in fact the case. The works always endeavored to hold the labor allocated to them and had to do so, as every worker who knows his job is naturally of more value to the building process than is a constant change of personnel. The special training of prisoners, as for instance, the training given in an electric shop which I myself had occasion to visit, was a particularly expensive and carefully organized undertaking, and I cannot understand at all why the works management should be suspected of the intention to exterminate people by making them work in the plants. And even if such a measure had been intended from another quarter, our management would have known of it, and I consider it absolutely impossible that the Betriebsführer Dr. Baerfeldt would ever have entertained such an idea. A frequent change in the bulk of concentration camp workers available would, by no means, even if it had been noticed, have given rise to any suspicion, under the circumstances prevailing at that time.

Experience teaches that when so high a number as more than 20,000 workers are hurriedly got together, as well as the hundreds of independent undertakings, it automatically produces the result that, should there be any failure of intermediate executives, disorders occur, which would have been nipped in the bud if there had been long-established works organizations. I can therefore say that, with the existing conditions in regard to welfare on the building site of the Auschwitz Works, excellent

Document Dr. Bustafisch No. 259

Exhibit No.

- 5 -

work was done by the works management.

Kronberg/Taunus, 28 January 1948

signed: Hans Seuer

(Dr. Ing. Hans Seuer)

The above signature of Herr Dr. Hans Seuer, residing in Kronberg, which was affixed before me, is hereby certified.

Kronberg, 28 January 1948

signed: Dr. Rupprecht Storkbeum

(Dr. Storkbeum)

Assistant Defense Counsel in Case VI

It is hereby certified that the above is a true and correct copy.

Kronberg, 3 March 1948

signed: Dr. Hans Fleckner

Attorney-at-Law

Document Dr. Biotofisch No.

Exhibit No.....

Affidavit

I, Dr. Hans KARDING, residing in Herdingen, Düsseldorferstrasse 24, have been warned that I shall render myself liable to punishment if I make a false affidavit. I declare on oath that my statement is true and was made in order to be produced in evidence before the Military Tribunal at the Palace of Justice, Nuremberg, Germany.

1. I was born on 2 August 1905 in Kiel. Having finished my chemical studies, I became in 1930 an assistant at the Kaiser-Wilhelm-Institute for Chemistry and in 1934 entered the employ of the IGuna Works of the I.G.-Farbenindustrie. There I stayed until, in June 1945, I was evacuated by the American occupation authorities.

In the IGuna Works I was at first a plant chemist (Betriebschemiker). In January 1941 I joined the plant administration, namely the Department for Investigations on Economy (Abteilung fuer Wirtschaftlichkeitsprüfung), which handled the planning and economic questions. In March 1941 the planning for the plant installations of the Auschwitz Works, which fell under the so-called Sparte I, was added to the sphere of work of this department. As a result of this planning work, I was acquainted with the conditions prevailing in the Auschwitz Works. In the following years I repeatedly (about three times) visited the Auschwitz Works.

2. When the planning work of Sparte I for the Auschwitz Works had begun (March 1941), Sparte II had already made considerable progress in working out the works project, i.e. the plans for the Buna installations. The location of the works was, to my knowledge, already fixed by Sparte II in January

Document Dr. Stefanisch No.

Exhibit No.....

1941 . The plants to be erected by Sparto I (synol, and later
methanol and isooctane) were

Document Dr. Buctofisch No.

Exhibit No.....

included in the planning of Sparte II.

3. Dr. Heinrich Buctofisch, as member of the Vorstand, was responsible for the plans of Sparte I in the Auschwitz works. In view of the fact that he was occupied by various other tasks, he could only attend to the important aspects of the planning and delegated the execution of the details to Herr Dr. von Staden, the Director of the Buna Works Production Plant, who received from him the general technical instructions on this project, and in turn reported to Dr. Buctofisch on all important matters.

The general supervision which Dr. Buctofisch exercised on the Sparte I part of the Auschwitz works referred to technical matters only. Dr. Buctofisch did not concern himself with matters pertaining to the plant management, the administration or the procurement of labor. However, he always had the officials, who inspected the large building site or worked there, report to him on the working and living conditions of the workers.

4. On my visits to the Auschwitz works, I did not notice any indications that human beings were exterminated in the Auschwitz concentration camp or that atrocities were committed. Nor did I ever hear of any such instance at the numerous discussions which I had in Lams or Berlin with officials working at Auschwitz.

Nuremberg, 24 February 1948.

signed: Dr. Hans Heeding
(Dr. Hans Heeding)

Document Dr. Bistofisch No.

Exhibit No.....

I hereby certify the above signature of Herr Dr. Hans
Kroeding, residing in Vordingen, Duesseldorfstrasse 24, which
was affixed before me.

Nuremberg, 24 February 1948

signed: Dr. Kurt Hartmann
(Dr. Kurt Hartmann)
Assistant Defense Counsel in
Case VI.

AFFIDAVIT

I, Oberingenieur Albert von LOM, resident in Crefeld, Westwall 63, having been warned that I render myself liable to punishment if I make a false affidavit, hereby declare on oath that my statement is in accordance with the truth and was made in order to be produced as evidence before the Military Court in the Palace of Justice, Nuremberg, Germany.

1) I was born 4 May 1895 in Venlo (Holland). After attending elementary and high school, I studied machinery construction at the Technical College at Aix la Chapelle. After concluding my studies with the diploma examination, I worked as machine construction engineer in various undertakings. On 1 May 1929, I entered the Leuna Works of the I.G. Farbenindustrie as works engineer. In the spring of 1941, I was entrusted as Oberingenieur, with the technical planning and construction of a part of the production plant of the Auschwitz works. It concerned plants for the products of the so-called Sparte I (especially synol and methenol) which were processed by the Leuna Works. After having more or less completed the construction and planning work, I transferred my office in February 1943 to Auschwitz where I remained until January, 1945.

2) As is generally known, the Auschwitz Works were in the first place a project of Sparte II, in which Sparte I joined with the above-mentioned productions. According to my knowledge, Dr. Heinrich Buetevisch was responsible, as Vorstand member of Sparte I, for taking care of the requirements of Sparte I in the productions

of the Auschwitz Works. In particular, he had to bring the productions of Sparte I into line with the general planning of the Auschwitz Works. According to my knowledge, he handled this in principle only on broad lines. I had the impression that Dr. Bueteffisch was so overburdened with other tasks that he was unable to occupy himself regularly and in any detail with the Auschwitz Works.

The individual tasks here were mostly supervised by Dr. von Staden, the director for the Production side of the Leuna Works. Most of the building conferences took place without Dr. Bueteffisch. According to my recollection, Dr. Bueteffisch only came about two or three times a year to the Auschwitz Works. On these visits, which were always of short duration (mostly lasting only a few hours), he informed himself concerning the progress of the building and the technical position of the plants. I am not aware that he ever intervened in matters of local works management (Betriebsführung) or in particular in questions of procurement of labor.

3)As I have already explained elsewhere, I was able to make no observations that could in any way lead to the conclusion that prisoners in the Auschwitz concentration camp or in Camp IV (Monowitz) were being killed or were being inhumanly treated; neither had I any reason to suppose that other members of the Works had any knowledge of such events. I therefore cannot assume that Dr. Bueteffisch had observed or learned of anything of the kind in Auschwitz.

Nuremberg, 15 June 1947

signed: Albert von Ien
(Albert von Ien)

Document Dr. Hueteisch No. 256
Exhibit No. 1...

I certify the genuineness of the above signature of Albert
von LAM, which was affixed before me in Nuremberg this day.

Nuremberg, 15 June 1947

signed: Dr. Hans Flaechner

* * * *

It is hereby certified that this is a true and correct copy
of the above document.

Nuremberg, 19 February 1948

signed: Dr. Hans Flaechner
Attorney

AFFIDAVIT

I, Dr. ing. Friedrich HOEPKE, of Leuna, District Merseburg, Carl-Duisbergstr. 3, having been warned that I render myself liable to punishment if I make a false affidavit, hereby declare on oath that my statement is in accordance with the truth and is made in order to be produced as evidence before the Military Court No. VI in the Palace of Justice in Nuremberg, Germany.

I have worked in the Leuna Works uninterruptedly since 1921, having been since 1932 head of the technical construction department. I have never belonged to the NSDAP or any of its affiliations.

I have known Dr. Heinrich Bustefisch since 1921 and during that time have been able to observe his professional development, first in his position as plant manager (Betriebsleiter) and later as technical manager of the Leuna Works. His task was the management of the technical and economic sphere of the Works. Welfare matters and questions of procurement of labor did not belong to his province. In spite of his heavy preoccupations and his frequent absences from the Leuna works, Dr. Bustefisch always tried to remain connected with the technical side and he used his scanty leisure to go into the works in order to convince himself on the spot of the technical position of the different branches of manufacture.

When the Moosbierbaum and Auschwitz works were erected during the war, he laid down the lines for the technical over-all planning of the parts of these works belonging to Sparte I. On account of the size and complexity of his tasks, however, he was only able to concern himself with the broad lines of policy. Questions of the procurement of labor did not concern him here either. There were other people responsible for this.

My own task was to be responsible for the technical-construction

building of the parts of the Auschwitz works belonging to Sparte I. On this account, I frequently visited the Auschwitz works during the years 1941-1944 and took part in many building conferences there. I only saw Dr. Buetefisch there very rarely; I remember only one occasion definitely. During this time, I never heard anything concerning killings or other cruelties in the Auschwitz concentration camp. I therefore had no occasion to report on such matters or on other abuses to Dr. Buetefisch.

Dr. Buetefisch was a sober technician and economist. On that account alone, political experiments and warlike undertakings were fundamentally distasteful to him. Equally with myself and most of his other co-workers, he undoubtedly considered it out of the question that the national-socialist regime could go so far as to make war. Such an idea had never played any role in our considerations and the measures we took in Leuna works. I recollect that, after the outbreak of war, Dr. Buetefisch expressed to me his opinion that the war was a crazy undertaking and could only lead to catastrophe.

Leuna, 7 November 1947

signed: Dr. Hoepke, Friedrich

The above signature by Dr. Friedrich Hoepke, of Leuna, Carl-Duisbergstr. 3, was affixed before me, Attorney Dr. Heinz Reintges, at present at Nuremberg, and is hereby certified and attested.

Leuna, 7 November 1947

signed: Dr. Heinz Reintges
Attorney

This is a true copy of the Document Bue 180.

Nuremberg, 12 February 1948

signed: Dr. Hans Fleechener
(DR. HANS FLECHENER)

AFFIDAVIT

I, Dr. Heinrich Stroheck, resident in Rosenthal, District Frankenberg, Haus No. 243, having been warned that I render myself liable to punishment if I make a false statement, hereby declare on oath that my statement is in accordance with the truth and is made in order to be produced as evidence before the Military Tribunal in the Palace of Justice at Nuremberg, Germany.

1) I was born on 10 February 1885 in Brunswick. After having studied machine construction at the Technical College in Brunswick, I received in 1913 the degree of doctor of engineering. Since 1919, I have been working in the Leuna Works of the I.G. Farbenindustrie A.G., first as deputy manager of the machine-technical department and later as manager of the technical department.

2) At the end of January or beginning of February 1941, the Sparte III of the I.G. selected Auschwitz for the location of their projected new Buna works. In March 1941, it was decided to join plants of the Sparte I also to this Buna works, for which the Leuna works had the planning. In this way, I came officially into contact with the Auschwitz building project.

3) Dr. Heinrich Baetefisch, as member of the Vorstand, was the final authority for the general planning of the productions of Sparte I in the Auschwitz works. According to my knowledge, however, he concerned himself with this only on broad lines. As his principal activity lay in other fields and he was fully occupied with this, he left the more detailed work and the current decisions to the production manager of the Leuna Works, Direktor Dr. von Staden, and reserved to himself only the important decisions. Dr. Baetefisch is therefore less to be regarded as responsible for the productions of Sparte I in the Auschwitz works than is Dr. von Staden. So far as Dr. Baetefisch

occupied himself with the Auschwitz Works, it concerned only the chemistry-technical sphere. In questions of works management, in particular the procurement of labor, he also did not concern himself.

4) During my visits to the Auschwitz works, I never heard anything about annihilation of human beings or cruelties in the concentration camp there; neither did I ever hear anything about ill treatment or other excesses against prisoners or foreign workers in the Auschwitz works. I therefore of course never reported anything of the kind to Dr. Eusterfisch.

Rosenthal, 12 November 1947

signed: Dr. Heinrich Strombeck
(Dr. Heinrich Strombeck)

The above signature of Dr. Heinrich Strombeck, resident in Rosenthal No. 243, was affixed before me, Dr. Rupprecht Storkebaum, on 15 November 1947, and is hereby certified and attested.

Rosenthal, 15 November 1947

signed: Dr. Rupprecht Storkebaum
(Dr. Rupprecht Storkebaum)
Assistant Defense Counsel in Case VI

This is a true copy of the Document Ede 187.

Nuremberg, 12 February 1948

signed: Dr. Hans Flaschner
(DR. HANS FLASCHNER)

Dr. Ing. Hans SAUER

Kronberg/Ts. 13 October 1947
Schillerstr. 5

Affidavit

I, Dr. Ing. Hans SAUER of 5 Schillerstr., Kronberg/Taunus, having been duly advised that I shall render myself liable to punishment by making a false statement herewith declare on oath that my statement is true. It was made to be submitted in evidence to Military Tribunal No. VI, Palace of Justice, Nuremberg, Germany.

A

I have known Dr. BUNZEL since he joined the Leuna Works as plant technologist about 1933. Dr. BUNZEL very soon became Betriebsführer of the ammonia plant and production manager of the whole plant. In connexion with the coordination of work for the IG, the nitrogen syndicate, and the industrial group for fuels, he frequently represented the interests of the plant - and of the IG - outside the plant. I was chief engineer of the Leuna Works and collaborated with Dr. BUNZEL through the years until the end of the war in that capacity.

The fact that the Leuna Werk grew larger and larger in the course of the years involved in some respects extraordinary difficulties, especially in connexion with the supply of staff. The employees had to travel farther and farther. The plant management therefore attempted after the economic crisis to limit the complement of staff to 12000. Further mass production was deliberately avoided, and only such products were to be manufactured which scientific research in the Leuna Werk had developed.

such as basic and auxiliary materials for soap and fibre production. Owing to the stimulation of industry it was nevertheless impossible to disregard the requests of the Reich authorities for considerable expansion and incorporation, and the plant was snowed under with questionnaires which were a great nuisance and which it was impossible at times to fill in. Dr. BUETEFISCH tried by means of his work in Berlin to achieve a compromise in the interests of a rational development of the plant. It is quite impossible that the idea of preparing for war should have crossed the mind of any member of the plant management, as all our products were developed in accordance with the demands of industry. I can still remember that Dr. BUETEFISCH received the news of the outbreak of war with a mixture of despair and resignation. I was present on that occasion.

In the course of the wholesale expansion which the war forced upon the plant, liquid supplies eventually proved to be an insurmountable obstacle, and the expansion of the hydrocarbon synthesis, which could not be carried out at Buna, but which had to be put into effect somewhere at the instance of the Reich authorities, was eventually transferred to Auschwitz, where it was attached to the Buna plant which was being constructed there. In my capacity of chief engineer of Sparte I, I frequently took part in the building conferences, and went to Auschwitz on several occasions when the plant was being built in order to supervise technical progress and machine assembly. I have always found conditions on the building site, which was managed by Betriebsführer Dr. DUERRFELD whose humane character I had come

to value highly at an earlier date at Leuna, perfectly satisfactory. The workers employed there, whether they were Germans, foreign workers, or prisoners, were treated in a fair and decent manner, which was brought home to me particularly on the occasion of a visit to an electro training workshop for prisoners. I never heard of maltreatment, leave alone of rumors of the actions now published, alleged to have been committed in the concentration camp at Auschwitz, which was many kilometers distant from the camp. Dr. DUERRFELD was constantly and actively engaged in improving social conditions on the building site, and his efforts to that effect may as far as I can judge well be considered exemplary.

I usually discussed the building site with Dr. JUSTIFISCHE after my visits to Auschwitz. In the main we discussed technical matters. I never had occasion to report to him on excesses or other incidents in which it would have been necessary to intervene. Although Dr. JUSTIFISCHE was in charge of general planning of the plant for Sparte I, he attended building conferences at Auschwitz infrequently because of pressure of business, and was for the same reason unable to pay frequent visits to the plant, his representative on all these occasions being the production manager of the Leuna Werke, Dr. v. STADEL. Furthermore he frequently asked the other officials of the Leuna Werk who visited the Auschwitz plant as department chiefs, to report to him.

signed Hans SAUER
(Dr. Ing. Hans SAUER)

This is to certify that Dr. Ing. Hans SAUER appended the
above signature this day in my presence.

Kronberg/Taunus, 13 October 1947

signed Dr. Kurt HARTMANN
(Dr. Kurt HARTMANN)

Assistant Defense Counsel
Case VI

This is to certify that the above is a true and accurate copy
of the original:

Nuernberg, 23 February 1948

signed Dr. Hans FLAENDER
Solicitor.

Affidavit.

I, Dr. Reinhold FRICK, of 16 Lillienweg, Leuna, born in Leipzig on 13 February 1900, having been duly advised that I shall render myself liable to punishment by making a false statement, herewith declare on oath that my statement is true. It was made to be submitted in evidence to the Military Tribunal, Palace of Justice, Wuerzburg, Germany.

I have been in the service of the IG Farbenindustrie as a chemist since 1 March 1926. I was plant manager in the Leuna plant. On 1 July 1943 I was transferred from there to Auschwitz as department chief. I stayed there until January 1945. (Translator's note: sic). At Auschwitz I was in charge of the methanol plants. The plant was put into operation in November 1943 and remained in operation with successive furnaces until July 1944 when it was destroyed by bombs. About 100 workers and employees worked in my plants. Dr. REAUS was in charge of all the plants. Amongst the staff there were about 30 prisoners who did not however work in the plant proper, but only in the store rooms and in the laboratory. As I have already stated in other affidavits, foreign workers and concentration camp inmates were treated in a correct and decent manner in the whole of the Auschwitz plant and therefore in my own plants. They did not have to perform special duties, like the rest of the plant staff. As far as I could find out

the physical condition of the prisoners was by no means so bad that it would have been unfair to expect them to do the work. Many of the prisoners received bonuses for their work. Visitors from Leuna frequently came to the plant. Thus I met in Auschwitz plant on several occasions amongst others Dr. v. STADEN, who was in charge of Leuna as far as construction and that part of the plant which belonged to Sparte I was concerned, Dr. SAUER, the chief engineer of Sparte I, Dr. STROMBECK, the chief engineer of Leuna, Dr. ROETTER, the construction engineer of Leuna, and in 1944, after the death of Dr. v. STADEN, Director Dr. GIESEN, in charge of methanol plants. Dr. BURTEFISCH I only met once or twice in the course of my stay at Auschwitz. Dr. v. STADEN and Dr. GIESEN had been instructed to discuss on the spot all the details connected with the assembly and operation of plants belonging to Sparte I. Dr. GIESEN was commissioner of the plantpotentiary general for the chemical industry for all problems of methanol production.

Betriebsführer for the whole of the plant was at my time Dr. DUERRFELD, who convened conferences of department chiefs which I attended. It was invariably pointed out at these meetings that foremen, charge hands (Meister) and all other supervisory personnel should treat all foreign workers and compulsory workers extremely correctly; it was expressly prohibited to beat them or to force them to work. I never heard anything, not even rumours, of so-called selections or of killings or any of the other atrocities committed against prisoners in Auschwitz concentration camp which became known after the capitulation.

During my stay at Auschwitz, i.e., until the Spring of 1945.

signed Reinhold FRICK

This is to certify that the above signature is that of
Dr. Reinhold FRICK, industrial chemist, of 16 Lilienweg, Louna,
who is personally known to me.

Louna, 11 February 1948.

Louna Town Council

(L.S.)

i.A. signed signature

Fee MK.- Pfg.

Register No. 931 II/48 Init.

This is to certify that the above is a true and accurate
copy of the original.

Nuernberg, 28 February 1948.

signed Dr. Hans FLAEBISCH

solicitor.

Dr. Hans Paetzold
Leuna, Ars. Borsburg
Uferstrasse 1

A f f i d a v i t .

I, Dr. Hans Paetzold, born on 5 September 1896 at Saargau in Silesia, resident in Leuna, Ars. Borsburg, Uferstrasse 1, declare on oath that my statement recorded below is true. This statement is intended for submission in evidence to the Military Tribunal in Nuremberg.

1. I am a chemist. On completion of my studies I entered the Oppau works of the I.G. Farbenindustrie. In 1927 I transferred to the Leuna works. In 1941 I was requested to cooperate on the planning of the new Auschwitz synthesis plant of the I.G. Farbenindustrie which was to be built. In 1942 I quite frequently worked for long periods at the Auschwitz building site, and the next year I moved altogether to Auschwitz, where I took charge of the opening of the gas department.

2. I know that Dr. Buchfisch played a decisive part in the planning of the Auschwitz plant, but Dr. Buchfisch personally was not at Auschwitz; I myself never saw him there. Dr. Buchfisch exercised no influence on the details of the administration or management of the works.

3. The Concentration Camp prisoners and the foreign labor in the works were treated humanely and decently in my department, and as far as I know this was the case in all other sections of the works. During my stay there I gained no knowledge of any mass executions or similar crimes in the Auschwitz Concentration Camp. It can therefore not be assumed of the principal men in the works, including Dr. Buchfisch,

who had very little contact with the works, should have possessed such knowledge.

Leuna, 25 August 1947

signed: Paetzold

I herewith certify and witness the above signature of Dr. Hans Paetzold, Leuna, Krs. Merseburg, Uferstr. 1, made here before me, Rechtsanwalt Friedrich Silcher, Berlin-Zehlendorf, Hermannstrasse 2, Leuna, 25 August 1947.

signed: Friedrich Silcher

Rechtsanwalt

This is a true copy of Büchelfisch Document 185.

Nuremberg, 12 February 1948.

signed: Dr. Hans Flaeschner

(DR. HANS FLAESCHNER)

Affidavit

I, Dipl.-Ing. Karl-Albert KARL, born on 10 March 1893 in Rutenberg near Lychen, Kreis Templin, resident in Leuna near Harsburg, Torweg 1, have been duly warned that I shall render myself liable to punishment by making a false affidavit. I declare on oath that my statement is true and was made in order to be submitted in evidence to Military Tribunal No. VI in the Palace of Justice Muenberg, Germany.

1.) After studying general machine construction at the Technical High School, Berlin, I passed the Engineer's Certificate (Diplom-Hauptprüfung) in May 1920 and worked in 1920/21 as permanent assistant at the same High School with the faculty of internal combustion engines. In 1921 I entered industry and became^a thermotechnical engineer in the Dessau sugar factory. In 1922 I entered the I.G. Farbenindustrie A.G., Leuna Works, and worked there as experimental engineer and plant manager in many different fields. In April 1941 I was put in charge of the temperature distillation research for Upper Silesian pit-coal mining in Douthen and later became department chief of the low temperature distillation plant in the Auschwitz Works. Up to 1943 I stayed in Auschwitz only over short periods for conferences; I did not take up residence in Auschwitz until late autumn 1943.

2.) In so far as I was informed, Dr. Heinrich Bustefisch, as a member of the I.G. Vorstand for Sparte I, was responsible for looking after the requirements for the expansion of Sparte I's production in the Auschwitz Works. Being greatly overburdened with work, Dr. Bustefisch was actually able to concern himself only with major considerations in the over-all planning of the Auschwitz Works and the fitting of Sparte I's production into

the over-all plan. In my opinion he was not in a position to be occupied as a rule and preeminently with the details of the Auschwitz Works.

Dr. v. Staden, Director of the production plants of the Leuna Works, supervised the individual tanks for the Auschwitz Works.

3.) Dr. Dietefisch was not concerned with problems of the management of the Auschwitz Works. While I was at Auschwitz I do not remember Dr. Dietefisch's taking part in the construction conferences. As far as I know he was only at Auschwitz a few times, perhaps 2 to 3 times altogether, and that only for brief periods. He kept himself informed in broad outline of the progress of the building and the technical situation of the plants. As far as I remember, he was not involved in questions of labor allocation either.

4.) While I was working in Auschwitz, I gained the impression that the foreign workers as well as the Concentration Camp prisoners were decently treated within the scope of the given conditions. I did not observe any maltreatment of prisoners or foreign workers. I was also unable to make any observations which would affirm the conclusion that prisoners were forcibly put to death or that any other cruelties were inflicted on them in the Auschwitz Concentration Camp or in Camp VI (Monowitz). I was also not aware that other members of the Works had any knowledge of such occurrences. I am therefore unable to believe that during his brief visits to Auschwitz Dr. Dietefisch could have noticed or heard of such things. In any case, it was not until much later, after leaving Auschwitz, that I heard of such happenings for the first time over the radio.

Leuna, 26 August 1947.

signed: Karl

I herewith certify and witness the above signature of

Dipl.-Ing. Karl-Albert KARE, Leuna, Torweg 1, made here in
his own hand before me, Rechtsanwalt Friedrich Silcher, Berlin-
Lehlendorf, Hohenstrasse 2.

Leuna, 26 August 1947.

signed: Friedrich Silcher
Attorney at Law
Assistant Defense Counsel
in Case VI

This is a true copy of Budefisch Doc. 134.

Munich, 12 February 1948.

signed: Dr. Hans Flöckner
(Dr. Hans Flöckner)

A f f i d a v i t .

- 1) I, Dr.-Ing. Gerhard Appel, resident in Leuna, Germany, do hereby declare under oath that I shall render myself liable to punishment by making a false affidavit. I declare on oath that my statements are true and were made in order to be submitted in evidence to the Military Tribunal in the Palace of Justice, Nuremberg.
- 2) I was born on 30 November 1904 in Munich, studied machine construction and have worked in the Leuna works as plant engineer since 1 August 1935. In the early part of 1941 I was assigned to the new works to be built at Auschwitz and put in charge of the construction and management of the power department.
- 3) I gained the impression from the construction conferences that in planning and building of the works Dr. Bustefisch concerned himself only with fundamental problems, in particular in so far as fuel production was in question, and left Dr. von Staden and Dr. Andres, the former responsible for fuels, the latter for Buna, to make decisions on all individual questions relating to construction and plant management. As far as I know, Dr. Bustefisch took part in only 2 or 3 construction conferences and was rarely at Auschwitz. I have no knowledge of his being involved in decisions on questions of labor allocation or plant management, indeed I have the impression that he was not informed, or was informed only very superficially on the subject.
- 4) Up to the time of the collapse I did not know that prisoners were systematically tortured to death or subjected to other cruelty at Auschwitz Concentration Camp or its secondary camp just by the camp. On the basis of the observations described in Paragraph 3, I believe that Dr. Bustefisch was not informed on this type of occurrence either.

Bistefisch- Document No. 181

Exhibit No.

Leuna, 25 September 1947.

signed Gerhard Appel

(Dr. Gerhard Appel)

I herewith certify and witness the above signature of Dr.-Ing.
Gerhard Appel, resident in Leuna, Lillienweg 26, made in his own
hand before me, Rechtsanwalt Friedrich Silcher, Defense Counsel
in the Military Tribunal in Nuremberg.

signed: Friedrich Silcher

Assistant Defense Counsel in Case 71

This is a true copy of Bistefisch Document 181

Nuremberg, 12 February 1948.

signed: Dr. Hans Flaeckner

(Dr. HANS FLAECHEMER)

Affidavit.

I, Hermann Seiler, Leuna, Kreis Magdeburg, Grassostr. 7, have had my attention drawn to the fact that I shall render myself liable to punishment if I make a false affidavit. I declare on oath that my statement corresponds to the truth, and is being made in order to be presented as evidence before Military Tribunal No. VI in the Palace of Justice, Schwerberg.

I have been employed in the Leuna-Werk since 1922, and from 1936 onwards was Secretary to Dr. Heinrich Bustefisch. As a result of this position I gained in the course of my duties a knowledge of most of Dr. Bustefisch's business and personal affairs.

As representative of Sparte I, Dr. Bustefisch was responsible for supervising the entire technical production plan of Sparte I in the Auschwitz plant. The Auschwitz plant had been intended by Sparte II first and foremost only as a burn plant. Sparte I now had to fit its own plants into the general set-up of the factory and connect them with it. As far as I could see Dr. Bustefisch confined himself to wide fundamental questions of a technical nature. Individual tasks were supervised by Dr. von Staden, Director of Production for the Leuna-Werk and after his death in 1940, by Dr. Gieson, among others. Dr. Bustefisch had nothing to do as far as I know with anything connected with works management and recruitment of staff in the Auschwitz factory. Neither here nor in the Leuna-Werk did such matters form part of his duties.

Dr. Bustefisch only went quite sporadically to Auschwitz. I kept no accounts of his journeys, but they are no longer available. The number of his visits to Auschwitz I estimate at 4. The visits were very short, lasting mostly a few hours. Dr. Bustefisch generally received reports about the Auschwitz factory in Leuna, where Dr. von Staden, Dr. Braus, Dr. Duerrfeld and any other responsible officials

gave him a broad outline of technical conditions in the plants.

The minutes of the Auschwitz construction conferences which came to my office, were first passed on by me to the experts (Dr. von Stöck, Dr. Giesen, Dr. Strombeck), who had to inform Dr. Buatoefisch about any questions of special importance. This ruling was made because the minutes were very voluminous and for the most part of no interest to Dr. Buatoefisch's Department, and because Dr. Buatoefisch was very often absent from Leuna.

I knew nothing about the visit to the Leuna-Werk of the Commandant of Auschwitz Concentration Camp, SS-Sturmbannführer Höss, and that he had met Dr. Buatoefisch on this occasion. As any people visiting Dr. Buatoefisch in the Leunawerk went through my office, such a visit could not normally have taken place without my knowledge.

It is my impression that Dr. Buatoefisch was not informed on what took place in Auschwitz Concentration Camp, nor in other concentration camps, particularly not of the killings of camp inmates and other activities which became known after the capitulation. I at least know nothing of them, and cannot imagine, considering my constant personal contact with him that Dr. Buatoefisch would have known anything about it without my having observed some sign of it in the course of time.

Leuna, 7 November 1947.

Signed: Hermann Seiler

Document Puotefisch No. 185

Exhibit No.

- 3 -

I, Dr. Heinz Reintjes, Attorney, at the moment in Saarburg, Germany,
herewith certify and witness the personal signature overlaid of Herr
Hermann Sailer, Leuna, Gresshoffstr. 7, who signed in my presence.

Leuna, 7 November 1947.

Signed: Dr. Heinz Reintjes
Attorney

This is a literal copy of Document Eud 185.

Saarburg, 12 February 1948

Signed: Dr. Hans Flöckner
(Dr. RALF FLÖCKNER)

Dr. R.E. Savelberg

Affidavit

I, Dr. Heinz Bernard Maria Savelberg, resident in Koeln-Marionburg,
drawn
Marionburgerstr. 8, have had my attention/to the fact that I shall
render myself liable to punishment if I make a false affidavit. I
declare on oath that my statement corresponds to the truth, and is
being made in order to be presented as evidence before the Military
Tribunal in the Palace of Justice, Duernberg, Germany.

- 1) I was born on 10 November 1904 in Aachen.

After I had finished my studies and completed the examinations
for commercial diploma (Diplomkauffmann) and Doctor of Law degree,
I was Revisionassistent for 2 1/2 years from 1930 onwards, and studied
from September 1933 to February 1933 in London. In June 1933 I
entered the service of I.G. Farbenindustrie A.G. from November
1941 to January 1945 I was employed in the I.G. Factory ~~and~~ with
as commercial manager. During that time I lived in Auschwitz.

- 2) The Auschwitz factory with its Buna plants belonged to the so-called
Sparte II, the plants for Synol, Methanol, Isocyan to Sparte I.
The competent Vorstand member for Sparte II was Dr. Ambros, for
Sparte I, Dr. Rustefisch. For all practical purposes, however, Dr.
Rustefisch allowed Dr. von Steban, the Leunawerk Production Director,
to deputize for him.

- 3) To my knowledge Dr. Rustefisch had nothing to do with the works
management of the Auschwitz factory. He visited the factory but
seldom, as far as I remember; at most twice per year.

- 4) During the time of my stay in Auschwitz I did not know that
prisoners were being gassed to death in the Auschwitz concentration
Camp or in any of the outside camps belonging to it, or that similar
occurrences had taken place there.

Document Buetafisch No. 189

Exhibit No.

- 2 -

I heard of these facts for the first time by means of newspapers
and radio after the capitulation.

Koeln, 16 July 1947

Signed: Heinz Sevelsberg

Document Record No. 1464/1947

The above signature of Dr. Heinz Bernhard Maria Sevelsberg, Koeln-
Marienburg, Marienburgerstr. 5, known personally to the undersigned
Notary, is herewith certified.

Koeln, 17 July 1947

Notary:

Signed: Pascal Maussach

Stamp: Dr. Pascal Maussach

Notary in Koeln

Signed: Pascal Maussach

Value not established.

Fee per. 39 R.K.O.	4.- RM
Turn-over tax	<u>-.12 RM</u>
	4.12 RM

This is a literal copy of Document Bus 189.

Quernberg, 12 February 1948.

Signed: Dr. Gene Dirschauer

(DR. G. S. 1143038-11)

Report

on the meeting of the Technical Committee on Wednesday

13 December 1939 at 9.30 a.m. in Berlin.

... ..

Page 3:

IV) Upper Silesian sources of coal.

=====

After exhaustive discussion the conclusion was reached that
it is desirable for the I.G. to have their own sources of coal
in Upper Silesia, provided that there are still good sources
available.

I, Dr. Kurt Hartmann, Assistant to Helmut Reine, Defense Counsel
in Case VI, Herewith state, that the above is a literal extract from
pages 1 and 6 of the photostatic copy of the report on the meeting
of the Technical Committee on 13 December 1939.

Munich, 5 February 1948.

Signed: Dr. Kurt Hartmann

(Dr. Kurt Hartmann).

Assistant Defense Counsel

Appendix to Document Bustafisch No.125

List of persons present.

	Bosch	
	Schmitt	
Main Group II	Schneider	
	Bustafisch	
	Mueller-Conradi	
Witness	Scherf	
Main Group III	ter Meer	Chairman
Upper Ridge	Ambros	
	Murster	
Main District I	Leutenachlaeger	
	Jaschke	
	Jacobi	
Lower Ridge	Hoerlein	
	Kuschno	
Control Group I	Buerger	
Main Group IIII	Gajewski	
	Kleine	
Gunsolder group	Mueller	
Control Accounts Dept.:	Dencker	Point VI
	Opff	
	Kollek	
	Feyer	
	Struss	Secretary
	Loear.	

Signed: Dr. Kurt Hartmann

Dr. Kurt Hartmann

Assistant Defense Counsel

in Case VI

Minutes of the Meeting of the

Technical Committee

held in Berlin at

0930 hrs. on Thursday, 1 February 1940.

Page 2:

I. Coal Supply for the new I.G. Werke in Upper Silesia.

LEHMANN

After the conquest of Poland with its coal supplies of 55 billions tons, at a depth of up to 1,000 meters (Ruhr district 34 billion tons at a depth up to 1,200 meters), Upper Silesia, had become the most important pit-coal district of Germany. It was characterized by favorable storage facilities, large yield of coal per square meter, wide seams, predominance of anthracite, and consequently only small deposits of coking coal, absence of fire damp explosions (with the exception of the Olza area) and low production costs, estimated at approximately 2/3 of mining costs in Westphalia. The large proportion destined for exportation and the unfavorable transportation situation, however, implied lower net profits than in Westphalia. The new Upper Silesian Pit Coal Syndicate Agreement would come into force with effect from 1 April 1940.

It would be necessary to draw up new terms of ownership for the mines formerly within Polish territory, upon the conclusion of peace. For the time being, trustees had been installed. In this connection, the Hermann-GOERING-Werke had laid claim to the largest and the best part, so that 40% of the Upper Silesian district was being administered by the State and the Hermann-GOERING-Werke.

The coke supply for the new I.G. Werke would present difficulties. It was possible that the coke produced during low temperature distillation in the projected hydrogenation plant would make good the deficit. As far as coal for power was concerned, on the other hand, the only possible source of supply would be the more exhaustive exploitation of plants already in existence. Coal could be obtained from the Syndicate. It was advisable, however, to investigate the question of purchasing a coal - field for the exclusive use of the plant. Fields coming into consideration for the purpose were those in the neighborhood of Rybnik, Pless and Dombrowa. Of these, only Rybnik could supply coking coal, but it was under the trustee Administration of the Hermann-Goering-Werke. The coal at Dombrowa was unsuitable for the purpose and the areas in the possession of the mining concern were widely scattered. The quickest course would be to take over a shaft which had been shut down and which formed part of the Pless estate. The output of the mine could be supplemented by the purchase of adjoining fields belonging to I.G. Kattowitz (Hermann-Goering-Werke). Until the conclusion of peace, it would be possible to draw up only a provisional settlement, in the form of a supply or lease agreement.

In connection with the lecture, the pros and cons of a coal-field in Upper Silesia to be operated exclusively for the supply of the plant, were discussed in detail. The Commission appointed to investigate the question was still working on the problem.

I, Dr. Kurt PARTMANN, Assistant to Helmut PENZE, Defense Counsel in Case VI, herewith declare that the above is a true and correct excerpt from the photostatic copy of the minutes of the Meeting of the Technical Committee held on 1 February 1940, which is in my possession, the excerpt being from pages 1, 2 and 3.

Munich, 5 February 1948

signed: Dr. Kurt PARTMANN
(Dr. Kurt PARTMANN)

Assistant Defense Counsel.

List of Persons Present.

	SCHMITZ	
Main Group I:	SCHNEIDER BUTTEFISCH MUELLER-CONRADI SAUER	
Mines:	SCHAF	
Main Group II:	THE MEER	Chairman
Upper Rhine:	AMMOS WURSTER	
Main:	LAUTENSCHLAGER JAEGER JACOB	
Lower Rhine:	FORLEIN KUECKE	
Central Germany:	BURGIN	
Main Group III:	GAJEWSKI KLEINE RIESS	
Central Accounting Dept.:	DECKER	
	LEHMANN STUSS LOEB	Reporter of Point I

Special Dr. Kurt ~~ARTMANN~~
(Dr. Kurt ~~ARTMANN~~)

Assistant Defense Counsel
in Case VI

AFFIDAVIT

1) I, Siegrun Bojunga, at present living in Frankfurt on Main, Spenerstrasse 23, have been duly advised that I shall render myself liable to punishment by making a false statement. I herewith declare on oath that my statement is true and was made in order to be submitted as evidence to Military Tribunal No. VI, Palace of Justice, Nurnberg, Germany.

2) For years, I was second secretary to the late Dr. Bernhard Buhl, member of the Vorstand of the I.G. Up to the time of his fatal accident on 19 November 1940, Dr. Buhl prepared the minutes of the meetings of the Vorstand. He did not write the minutes of the 22nd meeting of the Vorstand, held on 14 November 1940. Only manuscript notes on the meeting are in existence. I know his handwriting well, and there is no doubt that the notes concerned were written by Dr. Buhl.

The original is still in the files of the I.G. Foreign Control Office, Frankfurt on Main. A photostatic copy of the notes, consisting of seven pages, is appended to this affidavit.

Frankfurt on Main, 9 February 1948.

signed: Siegrun Bojunga
(Siegrun Bojunga)

I herewith attest and certify the authenticity of the above signature of Siegrun Bojunga, at present living in Frankfurt on Main, Spenerstrasse 23, appended

in my presence on 9 February 1948.

Frankfurt on Main, 9 February 1948.

signed: Dr. Walter Bachem
(Dr. Walter Bachem)

Appendix to Document Rustefisch No. 276
Exhibit No.

EXCERPT

from the

Notes by Dr. Puhl on the 22nd Meeting of the Vorstand, held on
14 November 1940.

* * * *

Page 1 of the photostatic copy:

Absentees: Waibel
Otto
Gajewski

.....
Scharf Survey of coal deposits in Germany. I.G.
in relation to total consumption (100 years
at present consumption rate, but if consump-
tion continues to increase at present rate,
24 years !)

Rustefisch: Coal requirements reported by Breslau and
Haydebreck, 3 million per year.
Negotiations with Hermann-Goering-Werke ref.
guarantee of our own source of coal, negotia-
tion with Ferdinand Nordbahn A.G. fruitless,
approach H. Goering-Werke to withdraw,
return to Pless.

Financial interest in the Fuerstengrube in Fam.
A.G. I.G. 51, Pless 49, and in addition,
Power Works and Smelting Works, 49%

* * * *

Page 6 of the photostatic copy :

For the Minutes :

Scharf, Buetevisch and Buergin enumerated the factors which advocated the purchase of Upper Silesian pit coal or the purchase of shares in Upper Silesian mines.

Financial interest in a power works and smelting works was also discussed.

The Vorstand approved the suggestions of these gentlemen and agreed to the proposal that Scharf, Buetevisch and Buergin should accept definite obligations on behalf of the firm. These, however, must first be approved by Geheimrat Schmitz.

I, Werner Bross, Assistant Defense Counsel in Case VI, certify that the above excerpt has been accurately copied from the photostatic copy of the appendix to Buetevisch Document 276.

Nuernberg, 22 February 1948.

signed: Werner Bross, Assessor
(Werner Bross)

* * * *

It is herewith certified that the above is a true and correct copy of the original document.

Nuernberg, 25 February 1948.

signed: Dr. Hans Flaechener
Attorney-at-law

EXCERPT

from Dr. Buestefisch Document No. 176
(Affidavit by Dr. Henning dated 13 October 1947)

.....

In 1940 I was called in by Dr. Buestefisch to take part as expert on low temperature carbonization in the I.G. Farbenindustrie negotiations on the purchase of coal in Eastern Upper Silesia. For the purpose of conducting these negotiations, a commission was set up by I.G. Farbenindustrie, under the leadership of Director Scharf of the I.G. mines. On account of his poor state of health, the latter requested Dr. Buestefisch to deputize for him. Other members of this commission were Mining Director Lehmann, Director Lennharts and Mining Expert (Bergassessor) Stein. The negotiations led, at the beginning of 1941, to a contract with the Fuerstliche Pless'sche Bergwerks-A.G., in accordance with which the I.G. was to hold a 51% share in the Fuersten mines. The negotiations with the Pless'sche Bergwerks -A.G. were, as I observed, based wholly and solely on the industrial considerations arising within private enterprise, and were conducted in the friendliest of spirits. From the different statements made by Director General Falkenhain of the Fuerstliche Pless'sche Administrative Staff, I deduced that the firm was short of funds, and that I.G. Farbenindustrie's investment of money in the firm had come at an opportune moment.

.....

* * * *

The above is a true and correct excerpt from Dr. Buestefisch Document No. 176, Buestefisch Document Book II.

Muenberg, 24 February 1948

signed: Werner Bross
(Werner Bross)
Assistant Defense Counsel in Case VI

AFIDAVIT.

I, the undersigned, having been duly advised that I shall render myself liable to punishment by making a false statement, herewith declare on oath that my statement is true. It was made to be submitted in evidence in case No. VI of the Military Tribunal, Palace of Justice, Nuremberg, Germany.

Ludwigshafen/Rhine, December 1947

signed Dr. Reinhard Goldberg.

I entered the services of the Badische Anilin und Soda Fabrik, Ludwigshafen plant, subsequently IG Farbenindustrie Aktiengesellschaft, as a chemist in 1919. From 1930 on I was a director, from 1933 chief of the Sparte Office of Sparte I. In that capacity I had to do work in connexion with the financial administration of the Sparte, such as drawing up of budgets, drawing up estimates of costs of research, new plants, calculations.

In accordance with a decision of the Fuerstlich Fless'schen Bergwerke AG at Kattowitz and the IG, the Fuerstlich Fless'schen was founded in February 1941 by the two companies by virtue of a preliminary founders' contract. Negotiations had been started early in 1940 because the IG was trying at the time to obtain supplies of coal for their Eastern plants at Heydebreck, Oldenburg and the projected Buna plant at Breslau. The negotiations with Fless were invariably conducted in a friendly manner on an equitable basis, no pressure or compulsion being brought to bear by any government authority. The main contract with Fless was eventually signed in July 1941.

In accordance with a decision of the IG and on the orders of Sparte I Dr. Duetsch, Dr. Ambros, and myself were appointed IG representatives on the Aufsichtsrat. One or at the most two meetings of the Aufsichtsrat or of the partners were held every year. A report on the financial position of the company was submitted at these meetings and the business manager of the GmbH. gave a survey of matters concerning the plants. In spite of the fact that IG had a majority, possessing as it did 51% of the shares, and had guaranteed a certain amount of dividends in return for the capital contributed by Fless, it never interfered in the management of the Fuerstengrube GmbH. Nor did I remember a single instance when the Aufsichtsrat or the chairman of the Aufsichtsrat issued to the business manager, Generaldirektor Falkenbach von Fless, any instructions how to run his plant. In spite of the fact that the IG had the right in accordance with the provisions of the additional contract to demand an expansion or a certain level of production, the IG never exercised that right, because there existed between the parties a gentlemen's agreement, to the effect the IG should not make use of the fact that it had the majority.

At the beginning of 1943 the Jünne mine, which was situated in the vicinity of the Auschwitz plant, was handed over by the Treuhandstelle set to the Fuerstengrube GmbH as trustees. At the time when it was taken over the mine was in operation; its output was to be increased by modernization. IG and Fless were both interested in acquiring the mine at an early date, in order to supplement their coal supplies. Negotiations in this connection were conducted between the Fuerstlich Fless'sche Bergwerke AG and the IG in an atmosphere of mutual understanding. IG never insisted on sole ownership of the mine, because that would have been contrary to the agreements and provisions

laid down in the contract when the Fuerstengrube was founded.

There can be no doubt whatever that the management of the Fuerstengrube and of the Jenias mine for which they acted as trustees was the responsibility at all times of the business managers and the Vorstand of the mine of the Fuerstengrube Fleiss GmbH. The supervisory duties of the Aufsichtsrat did not exceed the limits laid down by the law.

I know that the business manager of the company, Herr Feikenstein, did not mention, at any of the meetings of the Aufsichtsrat I attended, unsatisfactory conditions or irregularities. I knew that owing to the fact that the IG plant at Auschwitz and the Fuerstengrube GmbH were close to one another, they did as a matter of course assist one another in an atmosphere of friendship in all matters connected with the plant and others.

I should like to state that the Aufsichtsrat and especially the chairman of the Aufsichtsrat, Dr. Gustafsch, always carried out his advisory duties within the scope of the law.

Ludwigshafen/Rhine 4 December 1947

signed Dr. Heinrich Goldberg

I, Dr. Kilgus Heintzeler, of 13 Bruckstr., Ludwigshafen/Rhine, herewith certify that the above signature is that of Director

Document Sustafisch No.94
Exhibit No.

Dr.Reinhard Goldberg, Ludwigshafen/Rhine, Beaulerstrasse 13, and
that it was appended in my presence.

Ludwigshafen/Rhine, 6 December 1947

signed Dr. Helmut Weitzeler
solicitor

The above is a true and copy of document Sust'94.

Nuernberg, 7 February 1948

signed Dr. Hans Fleckner
(Dr. Hans Fleckner)

Affidavit.

I, the undersigned Max Winkler, ex-Mayor, at present in Saarburg Jail, having been duly advised that I shall render myself liable to punishment by making a false statement, herewith declare on oath that my statement is true. It was made to be submitted in evidence to the Military Tribunal, Palace of Justice, Saarburg, Germany.

In mid October 1939, I was appointed head of the Haupttreuhandstelle Ost by Goering, the Commissioner for the Four Year Plan. It was the business of the Haupttreuhandstelle Ost to execute the decrees dated 15 January 1940, Reich Law Gazette I page 174, on the safeguarding of the property of the former Polish State, and the decree on the use of the property of nationals of the former Polish State, dated 17 September 1940, Reich Law Gazette I page 1270, and other similar decrees.

In this capacity, I was in charge of the Fuerstlich Fless'sche Verwaltung and of the Bergwerke AG. Dr. Ludwig, the Breslau solicitor, was the trustee of the latter. At the beginning of 1941, the Fuerstlich Fless'sche Bergwerke AG founded, together with the IG Farbenindustrie AG, a G.m.b.H. / ^{called Fuerstengrube G.m.b.H.} / My office had approved the foundation, because the Fless'sche Bergwerke AG brought into this new company a small group of mines, the Fuerstengrube, which was its property. The approval of the Haupttreuhandstelle Ost had been requested by Dr. Ludwig, of the management of the Fless'sche Bergwerke AG. As chief of the Haupttreuhandstelle Ost, I negotiated about the matter mainly with Dr. Ludwig, but also with Generaldirektor Falkenhahn. As far as I know, the Fuerstengrube G.m.b.H. was founded at the request of Fless. The authorities did not exert any pressure

to have the company founded.

In 1943 the Puertengrube G.m.b.H. were appointed trustees of the Janina mine. The Janina mine had been the property of a company which was, as far as I know, in Franco-Polish ownership.

When the German troops occupied the country, the administration of the mines in the incorporated territory of Eastern Upper Silesia had been taken over by military government, who had appointed the former directors of the mines, managers. When the Haupttreuhandstelle Ost was set up, I confirmed those managers, all of whom were experienced mining experts, as trustees of the Haupttreuhandstelle Ost. A trustee was appointed for the Janina mine in that manner. As far as I can remember, it was Dr. Ludwig, of the Pless'sche Bergwerke A.G. who suggested to the Haupttreuhandstelle Ost, that the Puertengrube G.m.b.H. be appointed trustees of the Janina mine. A request or an application that the IG be made trustees of the mine has, as far as I know, never been made. It would in any case have been turned down, owing to the fact that the IG were not mine owners. It was purely from considerations of expediency that the Haupttreuhandstelle Ost decided to appoint the Puertengrube G.m.b.H. trustees of the Janina mine. IG had shares in Puertengrube G.m.b.H. because they needed coal for their chemical plants in Silesia.

I have always looked at the participation of the IG in the Puertengrube G.m.b.H. in that light, i.e. that the Puertengrube G.m.b.H. was supposed to supply the chemical plants of the IG with coal. It seemed quite natural to me that the wholesale consumer should acquire a share in the business, especially since I knew that the Pless'sche Bergwerke A.G. was not very sound or particularly solvent financially. Owing to the fact that I supported the application, the Pless'sche Verwaltung received, as late as the beginning of 1944.

Document Bustefisca No. 207

Exhibit No.

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a loan of 5 million to sink new shafts. No other company was interested in the administration of the Janina mine. According to reports submitted to me, the reason was to be found in the fact that the type of coal produced in the Janina mine was not very suitable for ordinary industrial uses, but could well be used for the chemical plants of the IG.

I am aware of the fact that the Fuertengrube G.m.b.H. also entered into negotiations with a view to acquiring the Janina mine. But I had decided that the buyer should obtain beforehand the approval of the French part owner. That, it seems, could not be obtained. That was the reason why the mine was not sold over to the Fuertengrube G.m.b.H.

On government orders, all the mining enterprises in my administrative area were to be put into operation and their production capacity was to be increased. On 19 October 1939, Goering issued instructions on the administration of the areas in Poland. The district in which the Janina mine was situated was among those which were to be incorporated in the Reich, and thus fell within the jurisdiction of the Haupttreuhandstelle Ost. Our instructions were to increase as far as possible the production capacity of the industrial enterprises.

Munich, 23 January 1948.

Signed: Max Winkler
(Max Winkler)

This is to certify that the above signature is that of Max Winkler, at present in Munich jail.

Munich, 23 January 1948

(Dr. Hans Fleckner)

This is an accurate copy of document Bue 207.

Munich, 19 February 1948

Signed: Dr. Hans Fleckner
(DR. HANS FLECKNER)

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Affidavit.

I, Dr. Karl Braus, of 50 Friedhofstrasse, Heilbronn N.H., having been duly advised that I shall render myself liable to punishment by making a false statement, herewith declare on oath that my statement is true. It was made to be submitted in evidence to Military Tribunal No. VI, Palace of Justice, Muenberg, Germany.

1) I entered the services of the IG Farbenindustrie A.G. as a chemist in 1928. From 1933 on, I was factory manager in the Leuna Werk. In March 1941, I was given the task of cooperating in the drawing up of plans for parts of the new Auschwitz project; I was also to take over the management of the synthesis department (Leuna part). I lived in Auschwitz from October 1943 until the Auschwitz plant was evacuated in January 1945.

2) Among other things I was responsible for coal supplies at the Auschwitz plant; i.e. I had to draw up plans of coal requirements and of coal supplies. Dr. Rustefisch, the member of the Vorstand of IG responsible for the technical planning of the synthesis department (Leuna part), had authorized me to conduct the necessary negotiations with the firms supplying us with coal.

3) Most of our coal was supplied by the Ruwertengrube G.m.b.H. The Ruwertengrube was to be expanded to such an extent that it could meet the total coal requirements of the Auschwitz plant.

4. While the expansion program was carried out, a process which took several years, it was necessary that IG should keep in constant touch with the Fuerstengrube, so that deficits if any could be recognized in time, and the coal could be obtained from somewhere else. The so-called "coal conferences" which were held at Kattowitz between IG and Fuerstengrube from the Spring of 1941 on served that purpose.

5. Dr. Gustafisch had not authorized me to interfere in the management of the Fuerstengrube. Accordingly, discussion at the coal conferences was strictly confined to the wishes of the IG with respect to the quality and quantity of coal required and to Fuerstengrube supplies. When constructional or technical details of the Fuerstengrube expansion program were discussed by the experts on both sides in the course of or in connection with these conferences, IG did so merely in an advisory capacity. IG never issued instructions stating what buildings should be constructed or how they should be built, or how labor and materials should be allocated, nor could it, in the absence of any legal basis, have been in a position to do so. Such matters were settled by the Fuerstengrube alone.

6. As far as I can remember the Fuerstengrube was forced by the shortage of labor to employ prisoners.

Heilbronn, 5 January 1948

signed Dr. Karl Brous.

This is to certify that the above signature is that of Dr. Karl Brous, of Heilbronn on Neckar, and that it was appended in my presence

Dokument Bestefisch Nr. 193
Exhibit No.

Hallbrunn, 5 January 1948

signed Dr. Kurt Hartmann
(Dr. Kurt Hartmann)
Assistant Defense Counsel, Case VI

This is to certify that the above is a true and accurate copy
of the original

Nuernberg, 11 February 1948

signed Dr. Hans Flachener
Solicitor

A f f i d a v i t .

I, Bergassessor (retired) Wilhelm Quellberg, resident in Essin-Altenessen, Winkhausstrasse 12, having been warned that I render myself liable to punishment if I make a false affidavit, hereby declare on oath that my statement is in accordance with the truth and is made in order to be produced as evidence before the Military Tribunal No. VI in the Palace of Justice in Aachen, Germany.

1.) I was born in Umm, Westphalia, on 4 June 1902. From 1 December 1941, I worked as technical director and procurist with the Fürstengrube G.m.b.H. This position I held up to the events of the war in January 1945. Before this, I was technical expert in the Huda Steinkohlengewerkschaft. Up to 1939, I was technical expert to the main administration of the Gelsenkirchener Bergwerke A.G. in Essen. At the present time, I am works manager of the Altenessen shaft (installation of the Hoersch A.G.

2.) The Fürstengrube was a shaft installation of the Fürstl.Fleissischen Bergwerke A.G. In 1941, the Fürstengrube G.m.b.H. was founded, in which the Fleissische Bergwerke A.G. participated as to 49% and the I.G. Farbenindustrie as to 51%. The interest of I.G. Farben in the Fürstengrube G.m.b.H. consisted, in my opinion, in the expectation of being able thereby to cover a part of the coal requirements of their works in Upper Silesia. The sole partner of the Fürstengrube G.m.b.H. was Generaldirektor Bergassessor (retired) Günther Falkenhehn, who was

at the same time chairman of the Vorstand of the Fuerstlich Plessischen Bergwerks A.G. The I.G. was represented in the Aufsichtsrat of the Fuerstengrube G.m.b.H. by Dr. Bustefisch, Dr. Ambros and Dr. Goldberg, and the Pless side by Dr. Ludwig and Dr. Gdynia. The chairman of the Aufsichtsrat was Dr. Bustefisch, the deputy chairman Dr. Ludwig.

3.) Dr. Bustefisch, to my knowledge, settled the affairs of the Fuerstengrube G.m.b.H., so far as they concerned the Aufsichtsrat and the undertaking in general, through consultations with Dr. Falkenhahn or Dr. Ludwig, mostly in Berlin, but sometimes in Upper Silesia. I did not observe that Dr. Bustefisch and the rest of the members of the Aufsichtsrat appointed by the I.G., concerned themselves with the current business management of the Fuerstengrube G.m.b.H. either directly or indirectly, any more than members of the Aufsichtsrat of an undertaking usually have to do or are in the habit of doing.

The deliveries of the Fuerstengrube to the I.G. Works Auschwitz were discussed, both as to quantity ^{and quality} of the coal, in frequent meetings with the responsible members of the I.G. Auschwitz works and the questions arising were settled in the friendliest manner, the assistance of which we now and again availed ourselves from the I.G., both in technical and social matters, was given in the same friendly spirit.

4.) On the Fuerstengrube lands there were several camps, including some for Eastern workers and prisoners of war. According to my recollection, in the autumn of 1943, certain

civilian workers, assigned through the branch office of the Armaments Ministry, who had hitherto been under police guard, were declared as concentration camp prisoners. As, despite all requests to the labor allocation authorities, free workers or prisoners of war were no longer assigned to us, owing to the increasing requirements of the new constructions, the allocation of prisoners had, further, gradually to be increased and, in accordance with instructions from the SS, a special camp had to be built for them. These prisoners were in many respects undervalued by the employers. They were also very expensive for the works, in consequence of their small output of an average of scarcely 50% of a normal worker, and the high camp costs.

5.) For the prisoners' camp, the Fuerstengrube supplied only the ground ^{and} the material for building the huts and the wall enclosure. The administration of the camp was entirely in the hands of the SS. The number of prisoners amounted at the end of 1944 to about 1,000 men. Most of the prisoners were employed during the day in the building sector. I estimate that on the Fuerstengrube some 200 men were working underground. The canteen of the Auschwitz works of the I.G. Farben supplied the food for account of the Fuerstengrube G.m.b.H.

6.) The Janina min. also belonged to the sphere of the Fuerstengrube, the trustee administration of which was transferred to the Fuerstengrube G.m.b.H. The relations of the camp administration to the mines management were entirely the same here as on the Fuerstengrube. The food was also supplied by the I.G. Farben Auschwitz works. The number of prisoners amounted at the end to about 500 or 600 men. Of these,

a large part was occupied above ground on building work. Prisoners were also assigned in the year 1944 to the new construction of the Fuerstlich Plessischen Bergwerke A.G., i.e. the Guenthergrube, and here also the camp administration was arranged in the same way. I have, however, no closer knowledge of this, as I was not working there. I would estimate that there were perhaps 700 prisoners assigned there.

In the neighbourhood of Wuschwitz was situated the Brozowice mine of the Hermann Goering Werke. To this also prisoners were assigned and, especially underground, relatively more than to us. In some other mines and works in Upper Silesia prisoners were assigned for work in the same way.

7.) Prisoners were assigned for work underground and above ground according to arrangement made between the SS and the Betriebsfuhrers. Only a small part of the prisoners was employed in the mines, the majority being occupied above ground. The percentage of prisoners employed underground was, on an estimate, about 20% of the staff in the Fuchstengrube and up to 30% in the Janina. The prisoners were only assigned to such work as they were able to perform. It was not expected of them that they should work beyond their powers. In any case, the prisoners were not required to work harder than any other worker. Below ground, the prisoners worked together with the indigenous personnel.

8.) Both the mines administration and the Betriebsfuhrers took strict care that the prisoners during their

working hours were properly treated. It was regularly pointed out, both verbally and in writing, to the whole personnel that corporal punishment of prisoners, and of course of prisoners - of - war as well, was strictly forbidden.

9.) The prisoners' food rations were regulated by the authorities; at the end of the war they were certainly still over 2500 calories.

10.) The life of the prisoners in the camp was regulated by the SS under whose jurisdiction the camp stood. Entry to the camp was prohibited without special permission of the camp commandant. However, my work occasionally took me inside the camp, even though never without the escort of an SS man. I was always able to establish, however, that it was clean and properly kept. Never on such occasions did I see any mistreatment on the part of the SS. It happened now and again that, on the order of the SS, the works had to give up some prisoners, but there can be no question of any considerable changes among the prisoners who were assigned to the mine as workers. We were not in any contact with the Auschwitz main camp, as the camp of the Fuersten and Janina mines was administered by a special branch agency.

I wish to state expressly: I have never observed, nor has my attention ever been drawn to it by others, that prisoners were killed or otherwise cruelly treated in Auschwitz. Such things only became known to me later through the radio and newspapers after we had evacuated the eastern zone and

Document Nr. Buchfisch No. 304

Exhibit No.

after the German collapse.

Essen-Altenessen, 24 February 1948.

signed: Wilhelm Duellberg

(Wilhelm Duellberg)

The above signature of Burgassessor (retired) Wilhelm Duellberg, resident in Essen- Altenessen, Winkhausstrasse 12, was affixed before me, Hans Gierlich, deputy Defense Counsel before the Nuremberg Military Court, and is hereby certified and attested.

Essen-Altenessen, 24 February 1948

Signed : Hans Gierlich

(Hans Gierlich)

This is certified to be a true and correct copy of the above document.

Nuremberg, 25 February 1948.

signed: Dr. Hans Fleckner

Attorney

FRIEDRICH SILCHER

Attorney-at-Law

Affidavit.

I, Friedrich Silcher, Attorney-at-Law, residing in Berlin-Zehlendorf, Hermannstrasse 2, have been warned that I shall render myself liable to punishment if I make a false affidavit. I declare on oath that my statement is true and was made in order to be produced in evidence before the Military Tribunal VI at the Palace of Justice, Muensterberg, Germany.

1) In the fall of 1944, I once again had to attend to some business at the Fuerstengrube, and on that occasion, with Duellberg as a guide, we also inspected the building site of the new second shaft. During this visit, it appeared that concentration camp prisoners were assigned to this construction project, of which I believe I was not previously aware. In the vicinity of the building site a latrine camp, the Fuerstengrube Labor Camp, was set up. At the suggestion of Duellberg, we then visited the camp having first obtained special permission from the commander, a young SS-officer, which was granted on the condition that we personally accompany us. The majority of prisoners seemed to be present in the camp as it was about time for the noonday break. In addition to the now well-known blue-white striped clothing, the prisoners had various markings for classification and their prisoner numbers. Their heads were shaven. I learned and saw all this for the first time. Some of them, including, I was told, the Oberkapo and, for instance, the representative of the camp inmates, wore prisoner blouses and regular trousers and shoes.

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and their heads were no longer shaven. Even though the inmates did not exactly convey the impression of being a prosperous lot of people, they did, however, give an impression of health and strength, in any case of being better off and stronger than the large mass of the Berlin population under present conditions, including myself. Each one of the inmates took off his cap and saluted in a militarily disciplined manner when passing by the commander who was accompanying us, the commander and we always returning the salute. The camp in its entirety as well as the interior of the huts gave the impression of exemplary cleanliness and order; the buildings appeared to be in perfect condition. The rooms contained beds arranged in tiers of three, one above the other, every bed had a kind of mattress or palliasso, linen, pillow case and several blankets, and, if I remember correctly, the pattern of the covering was the same blue check design as I knew it from the time of my own service as a soldier during the last years prior to the war. The distance between the beds was ample and, apart from the space taken up by the beds, there was likewise sufficient space available for tables and benches. The commander told me that each inmate had his own bed, and this seemed to be the case, judging from the impression the beds made. Of the various huts that we inspected, I still remember one or two dwelling huts, a dispensary, the hospital ward, the dental station and various workshops, such as, for example, the shoe-repair shop, a tailor shop and a saddlery. Everything was furnished in a good and practical manner. There were suitable experts employed everywhere. According to the information given by the commander, the doctors, dentists and nurses, etc., were likewise camp inmates, an arrangement which produced excellent results and proved to be of the same benefit to the individuals

concerned as to the inmates. I was particularly impressed in the shoe repair shop, where I saw mountains of old shoes which were made into new ones at the workshop, so that, on the average, one good and new pair of shoes was made from 3 to 4 old ones. As a matter of fact, the shoes of all of the inmates seemed to be in good condition. The kitchen and eating quarters were spacious, light and clean and the kitchen was well equipped. The food just being prepared comprised meat, potatoes and carrots, and all this conveyed a very good impression; as far as the quantity of food in proportion to the number of inmates was concerned (it was very difficult for us to estimate, there may have been from 1,000 - 2,000 inmates; I have meanwhile forgotten the figure quoted by the commander and by Duallberg), I was unable to draw an accurate conclusion, but the commander and the kitchen Kapo assured us that the food was ample.

On one side of the camp there was a large hut which was still under construction, consisting to a large extent of bricks. The commander told us that the prisoners were gradually completing this hut, which would then be occupied by people from the camp, in order to provide more space in the rooms used hitherto.

According to the information furnished by the commander, prisoners who enjoyed this type of work cultivated, of their own free will, a rather large piece of land located in the center of the camp; the products of this garden were sent to the prisoners' kitchen as additional supply. In this part of the garden there were also benches on which the prisoners were sitting in the sun. According to the commander's information, the prisoners intended to enlarge this part of the garden gradually.

and to set up more benches, etc.

As was obvious and as was also stated by the commander, it was the policy of the camp administration, not to furnish any "comforts" for the prisoners, but to grant them all possible freedom and assistance in developing and using their own initiative in this direction, provided that this did not hamper the necessary work on the shift and did not exceed the limits of discipline.

2) The following impression remains unforgettable to me, in which connection I should like to state that I am an enthusiastic musician. To celebrate the conclusion of our visit, the camp orchestra had been ordered into the recreation hut (maybe it had another name). This was a rather large room, containing benches and tables and an elevated platform serving as a stage; the commander told us that the prisoners were permitted to play there etc., after working hours. The band was a regular and quite well trained orchestra. The conductor was, according to the commander, a former conductor of the Vienna State Opera, the husband of Erna Sack, who, being a Jew, was imprisoned in the camp, and the first violinist was the former first violinist of the Paris Opera. According to the commander's statement, the musical instruments had been procured by the camp administration and all kinds of instruments were available and used, from violins, violas, cellos, contrabasses and wooden wind instruments down to brass instruments. The orchestra played the "Hoch Heidecksburg" March, well known to me, which I myself had played in my school orchestra and have often heard since then, and I must say that never in my life, did I hear it played so well and I cannot remember ever having heard a march.

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played so perfectly. The musicians were obviously fully devoted to their task and must have rehearsed often and for a long time and with thoroughness, in order to play so well as they did; it was a typical excellently trained and schooled orchestra. The prisoners were so carried away in their devotion to their playing, that they gave the impression of freedom, and yet there was something oppressive in the contrast between their all-inspired music on the one hand, and their prisoner clothing and shaven heads on the other. When they had finished I wanted to applaud them, but was told that this was not allowed. I therefore contented myself with nodding heartily to the conductor, who had turned round and looked at us, and to the other musicians. This was seen by the commander, but he took no notice.

3) If I remember correctly, there was no SS-man to be seen within the entire camp. On the contrary, the barbed-wire fence was guarded by SS-men on the outside only. According to the commander's statement, everything inside the camp pertaining to organization was left to the discretion of the prisoners and their Kapos.

4) So far as their external living conditions were concerned, they seemed to me in perfect order, in any case, as good as they could possibly be - apart from the basic fact of being deprived of their freedom and of being locked in. Moreover, the commander appeared to adopt an absolutely sensible and human attitude towards the prisoners and to show a good understanding for their psychological condition. All the same, the impression I gained above all, was rather

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depressing and weighed heavily on my mind for a long time and this is still the case today. The utter loss of individual personality, the degradation to a mere number as indicated by the prisoner uniforms, the shaven heads and the number marked on the clothing of each prisoner, as well as the fact that the individual prisoner was addressed by his number only and had to report giving his number whenever he had any requests. Thus, the prisoners no longer had any name or individual personality. This negation of the individual personality, which is in fact, to a larger or smaller extent, a matter of necessity whenever masses of people are involved, particularly in barracks or camps, was contrary to my own individualistic disposition and consequently remained the most permanent impression I gained, overshadowing everything else. However, apart from these basic facts, the conditions in the camp appeared in every respect to be as good as possible, and were in many respects considerably better than in other camps, which I came to know later on; the commander and Durlberg told me with obvious pride that the camp was considered a model camp.

Berlin, 30 June 1947

Signed: Friedrich Silcher

It is hereby certified that the above is a true and correct copy.

Munich, 1 March 1948

Signed: Dr. Hans Fleckner

Attorney-at-Law

A f f i d a v i t .

I, Dr. Heinz Savelberg, domiciled in Cologne, Marienburgerstrasse 8, have been warned that I shall be liable to punishment for making a false affidavit. I declare on oath that my statements are true and are made in order to be submitted as evidence to the Military Tribunal in Nuremberg, Germany.

In November 1941 I was placed in charge of the establishment and administration of the commercial organization of the Auschwitz Plant and I continued in this work until the factory was evacuated in January 1945. During this period I did not receive any direct orders from Dr. Buetevisch relating to my field of work nor concerning the plants of the Fuerstengrube G.m.b.H. There was merely a general directive to all departments to render assistance to the Fuerstengrube at any time at their request. Accordingly services for the feeding of Fuerstengrube labor by the Auschwitz catering establishments which belonged to the commercial organization were rendered only at the express request of the Fuerstengrube administration. Neither I nor the Department of Catering Establishments interfered in the internal running or administration of the Fuerstengrube.

Cologne, 12 February 1948

signed: Dr. Heinz Savelberg
(Dr. Heinz Savelberg)

Document Dr. Buettelisch No. 258

Exhibit No.

Document Register No. 181 for 1948.

The undersigned Junior Notary Balduin Moennig of Cologne, in his capacity as officially appointed deputy of Dr. Pascal Laubach, Notary in Cologne, herewith certifies the signature on the other side of this document, of Dr. Heinz Gavalberg, Merchant, domiciled in Cologne, Larienburgstrasse 8.

Cologne, 13 February 1948

(L.S.)

The Notary's Deputy:

signed: Moennig,
Junior Notary.

A U T H E N T I C

This is a certified true and correct copy of the above document.

Nuremberg, 20 February 1948.

signed: Dr. Hans Flaechner,
Attorney - at - law.

Minutes

of the 36th Vorstand meeting on 17 December 1942, at 10 a.m., in
Berlin NW 7, Unter den Linden 78.

All members of the Vorstand were present.

Before entering on the agenda Geheimrat Schmitz paid high tribute
to the memory of Dr. Otto Scharf, who died so suddenly, and to
his outstanding services to our firm.

The record of the 35th Vorstand meeting of 29 October 1942 was
read aloud and approved. Thereupon the agenda was dealt with in the
following order:

1.) Acquisition of the Janina-Pits:

Dr. Buetevisch reported on the further negotiations on the contract
for the acquisition of the Janina-Pits. The final purchase could
not yet be effected since the Eastern Trusteeship Agency (Treu-
handstelle Ost) had not yet reached any agreement with the partners in
also the Reich Marshal's consent for the transfer of the property
had not yet been given. Notwithstanding this fact the ^{G.m.b.H.} "Auerstörgrub" /
was taking over the trusted administration of the Pits as from 1
January 1943 and would make all necessary preparations to bring
production into line with the demands of our Auschwitz plant.

I, Assessor Werner Bross, Assistant to the Defense Counsel Dr. Hans
Fliechsmeyer in Case VI before Tribunal VI affirm that the above
document is a true copy of the original record of the 36th Vorstand
meeting on 17 December 1942.

Nuremberg, 12 January 1943

Signed: Werner Bross
(Werner Bross)

M I N U T E S

of the 43rd Vorstand meeting held on 2 March 1944,
at 9.30 hours in the morning at Heidelberg,
Schloss-Selbsbrunnweg 5.

All members of the Vorstand are present with the
exception of

Dr. BUEGIN
Herr TH

who were excused.

4) 3/ Fuerstengrube G.m.b.H., Kattowitz.

Dr. BUCHHEIM makes the following report on the financial status
of the Fuerstengrube G. m. b. H.:

The negotiations concerning the purchase of the Janina pit on
behalf of the Fuerstengrube G. m. b. H. are so far concluded that
the agreements have now been submitted to the Haupttreuhand-
stelle for approval and signature. According to information
received from the Haupttreuhandstelle (et cetera) this will be only a
formality. The Janina pit would thereby change over to the
Fuerstengrube G. m. b. H. The purchase price to be paid to the
Haupttreuhandstelle amounts to RM 450,000.--, from which the
costs of the Blechhammer shares, valued at approx. RM. 500,000.--,
have to be deducted. Through the purchase of the Janina pit and
the expansion of the Fuersten pit, the financial requirements of
the Fuerstengrube G. m. b. H. now amount to roughly RM. 50,000,000.--.

I, Dr. Kurt HARTMANN, Assistant of the Defense Counsel Helmut KEMKE
in Case VI, herewith certify that this is a true excerpt of the
photostat copy of the document concerning the minutes of the 43rd
Vorstand meeting held on 2 March 1944, pages 1, 3 and 4.

Nuremberg, 5 February 1948

signed: Dr. Kurt HARTMANN

M I N U T E S

Of the 14th Vorstand meeting held on 20 April 1944,
at 9.30 hours in the morning at Heidelberg,
Schiller-Alfbrunnweg 31-53.

All members of the Vorstand are present with the
exception of Herr Jtt: who has been excused.

.....

1) Present stage of the negotiations with the Fuerstengruhe.

Dr. Bustefisch reports on the progress of the negotiations with
the Fuerstengruhe. The negotiations took place on 4 and
5 April in Dresden and the results were as follows:

The detailed discussion on the directives concerning the
acquisition of the Janina pit of which we have been notified
by the Haupttreuhandstelle led to an agreement that both
sides would negotiate without considering themselves bound by
these directives, which meant that a possible alteration of the
directives could be assumed. Dr. Ludwig, trustee of the Fuerst-
lich-Flessische Bergwerks-Aktiengesellschaft had made a statement,

according to which he assumed that he would be
able to induce the gentlemen of the Treuhandstelle not to agree
to other arrangements, if he recommended them, in view of the
over-all situation of the Fless complex.

.....

I, Dr. Kurt Hartmann, Assistant of the Defense Counsel Attorney-
at-Law Helmut Henze, Case 6 herewith certify that this is a
true excerpt of the photostat copy of the document concerning
the minutes of the 14th Vorstand meeting held on 20 April 1944,
page 1.

Nuremberg, 12 February 1945

Signed: Dr. Hartmann

Document Buatafiach

CERTIFICATE OF TRANSLATION

8 March 1948

We,

Victoria OXTON, ETO # 20129,
Alfred RAHL, E 398081,
Brigitte TURK, ETO # 35130,
Leonard J. LAWRENCE, ETO # 20138,
Julius J. STEUER, AGO - A - 442654,
Anne MARTIN, ETO # 20144,
Patricia E.C. WOOD, ETO # 20139,
Phyllis RAY, ETO # 35287,
Beryl C. BESWICK ETO # 20183,

hereby certify that we are duly appointed translators for the English and German languages and that the above is a true and correct translation of Document Book 8 Buatafiach.

.....
Victoria OXTON
ETO # 20129
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ETO # 35130
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.....
Alfred RAHL
E 398081
pages 10 - 19, 29 - 43

.....
Leonard J. LAWRENCE
ETO # 20138
pages 20-28a, 59-65,
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AGO - A - 442654
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Patricia E.C. WOOD
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.....
Phyllis RAY
ETO # 35287
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.....
Beryl C. BESWICK
ETO # 20183
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Case 6
Defense

TRIBUNAL VI

CASE VI

SUPPLEMENT

to Document Book VIII

for

Dr. Heinrich BUSTEFISCH

Submitted by

the Defense Counsel

Dr. Hans Flaechner,

Attorney-at-Law.

Strong



A f f i d a v i t

I, Friedrich S i l l e r , attorney-at-law at present residing at Heinrichstrasse 18, Nuremberg, have been warned that I shall be liable to punishment if I make a false affidavit. I hereby declare on oath that my statements are the truth and that they were made in order to be submitted as evidence to Military Tribunal VI in the Palace of Justice, Nuremberg, Germany.

1. The participating interest by the I.G. in the Fuerstengrube (mines) G.m.b.H. during the entire period, and the entire Fuerstengrube affair, were legally processed by the Legal Department, Berlin W 7, which I directed to a large extent by me personally. During the entire period ^{played} an important part in the negotiations with the Kaiser Friedrich Bergwerks - G. (Pless I.G.) in the field of legal, organizational and financial matters; furthermore, without being formally a member of the Aufsichtsrat, I participated in a number, - probably all - of the meetings of the Aufsichtsrat of the Fuerstengrube G.m.b.H. The contracts involving the Fuerstengrube G.m.b.H. were for the most part - drafted by me. Accordingly, I believe myself to be well-informed about the relations of the I.G. to the Fuerstengrube G.m.b.H. and to the Pless I.G.

2. In the statements given below I deal with the question, partly directly and partly indirectly, of to what extent the I.G., especially Dr. Buettelisch and Dr. Ambros, were concerned with the business

management of the
Fuerstengrube and thereby with the labor allocation there,
especially the employment of concentration camp prisoners.

5. From the very start there was neither a policy of coercion toward the Pless L.G. nor a one-sided control of the Fuerstengrube by the I.G. On the contrary, the interests of the two partners complemented each other and the mutual interests were equally promoted, so that both were able to enjoy equally the benefits of the arrangement. At all events that is the way in which the representatives of the I.G., especially Dr. Gustafisch, Dr. Ambros and I, always regarded the arrangement and the way we wished it to be. Pless had coal deposits, but comparatively little had been exploited. As a result of the intensive industrialization of Upper Silesia and the ensuing compulsory measures of the Government, the production target for the various companies had to be considerably increased. Pless wanted to keep its coal and develop the mines, but for many years it did not have the necessary capital; however, it wished to avoid as far as possible having the State as a partner.

It was advisable for the I.G. to have its own sources of coal for its new chemical works in Upper Silesia, and it had available the needed capital for the acquisition and development of mining concessions. Out of this situation with respect to the different interests there quite naturally arose the solution which was found for the entire Fuerstengrube complex. In accordance with this purpose the negotiations with the Pless L.G. and all the later contacts between I.G. and Pless L.G. were handled on a definitely friendly basis and the Pless L.G. was always treated as an equal partner in the arrangement.

The crux of the situation lay in the fact that, in order to obtain a source of coal, which the I.G. wanted for its works in Upper Silesia, and later for Auschwitz in particular, it was necessary greatly to enlarge the Puertengrube, especially by sinking a second shaft; however, the Pless A.G. was in difficult financial circumstances and not in a position to raise, beyond certain rather narrow limits, the capital necessary for such expansion. On the other hand, the Pless A.G. did not want to part with the Puertengrube completely, but wished to keep a substantial interest in the mines and to hold this interest for a decade or two, the length of time it was estimated that the financial difficulties would still last. The Pless A.G. stipulated their share as at least 49%; moreover, this extent of interest was strictly required by the local Gauleiter; furthermore, it corresponded to our own intentions inasmuch as we thought that in any case we would have better prospects of attaining a comprehensive and friendly co-operation with Pless if the partnership in regard to the Puertengrube were to start out favorably. We had also had contacts with Pless in the Gelsenburger Revier (coal district) in Lower Silesia since 1940, and at times we had considered the possibility of a closer association there, too.

The participation by the I.G. of 51% in the new company was determined by the fact that, according to the regulations of the Upper Silesian Coal Syndicate, a participation of at least 51% was required for the I.G. to get the output of the Puertengrube under the "Selbstverbrauchsrecht" (right to the production for its own use).

For a corresponding reason the Pless I.G. considered it urgently necessary to retain for itself a 51 % interest in the Kraftwerk Elektro A.G., Oberlausitz, which was to supply a large part of the power needs of the I.G. Works in Lusatia among other things and in which the I.G., therefore, also acquired an interest. This was immediately understood and conceded by the I.G.

4. It was in keeping with the spirit of this friendly co-operation that was intended - and also attained eventually - that the I.G. was agreeable for the Pless I.G. to appoint the only executive manager of the Fuerstengrube G.m.b.H., in the person of Falkenhahn, its Generaldirektor. The I.G. thereby left the operation of the Fuerstengrube definitely in the hands of its partner, Pless, to which it entrusted the management of this new undertaking. Furthermore, there was no change made in this respect during the entire time. Duelling, who was later made mine director, always remained a Prokurist and thus subordinate to Falkenhahn, who continued as the sole executive manager; furthermore, Duelling, too, did not come from the I.G., but was chosen by Falkenhahn and recommended for this position. To my knowledge Falkenhahn was likewise always the Betriebsfuhrer of the Fuerstengrube G.m.b.H. within the meaning of the Fundamental Labor Law (Gesetz zur Ordnung der Nationalen Arbeit).
5. In regard to the Aufsichtsrat of the Fuerstengrube G.m.b.H., the intention - which was carried out in practice - was that it should have no comprehensive powers and responsibilities other than those usual for the Aufsichtsrat of an Aktiengesellschaft, which, as is well known, are limited to the supervision of the management. This intention was already

expressed in the statutes of the Fuortengrube G.m.b.H., which were called the "Gesellschaftsvertrag", in accordance with the terms used in the law relating to companies of limited liability (G.m.b.H.).

The statutes which the Prosecution included as part of Document III 12011, Exhibit 1529, Book 50, page 17, and especially page 35, never became effective in this form. The notarial preliminary agreement of 5 February 1941 constitutes the main part of this Exhibit. In article 5 thereof it is agreed that the new company should have these statutes (Appendix 5), but they would be subject to possible later amendments, to be approved by both partners to the agreement. The reasons why a notarial preliminary agreement was drawn up in the first place - instead of waiting until the company could be established all in one operation ^{and} of no further interest in this connection. For a number of reasons it was in the interest of the partners to establish legally-binding obligations at that early date. In the period until the formal founding of the Fuortengrube G.m.b.H. (a period during which I was the sole representative of the I.G., by special powers of attorney) which was concluded on 25 June 1941 in Kattowitz through the notarial agreement a number of amendments to the statutes were approved. These amendments concerned exclusively matters which arose out of the developments which had taken place in the meantime; matters which seemed to be unnecessary hindrances, or which, it seemed, could be dispensed with; matters in respect of which the text of 5 February 1941 did not yet seem satisfactorily to represent the intentions of the partners. The last category included, among other things, the provision regarding the functions of the Aufsichtsrat (first sentence, paragraph 2, Article 6). The text of

8 February 1941. "The Aufsichtsrat shall exercise constant supervision over the activities of the company in all the fields of the enterprise" was unsatisfactory because this could have been construed to mean an especially comprehensive supervision. In order to make it clear that only the usual supervision of the management was intended for the Aufsichtsrat, this provision, in the final text of 28 June 1941, was intentionally given the wording of Article 86, paragraph 1, of the Akt G (Stock Company Law): "The Aufsichtsrat has to supervise the management." The sentence immediately following, "The partners of the company may in addition delegate to it executive authority and management measures," was merely to provide a possibility, but this was never made use of.

Another amendment that should be mentioned in this connection was that the final text of 28 June 1941 dropped the provision of Art. 7, par. 5, relating to the requirement that certain activities of the management had to be approved by the Aufsichtsrat. These agreements, referring to such or similar matter, were preserved in a letter, which was to serve as provisional statutes for the management of the Pöschelgrube G.m.b.H. However, through this change of form - and this was the intention - the effect of these provisions was to be lessened; furthermore, any possible future amendments to these provisions were thereby to be facilitated. This list of measures which required approval contained only the usual subjects of special importance, that went beyond the scope of routine business matters.

and the formulation provided that the management would not need the approval of the Aufsichtsrat for any action within the scope of routine business matters, and would be completely independent in this respect.

I am attaching as appendix 1 the statutes of the Fuerstengrube G.m.b.H., in the final text of 25 June 1941 (the only one which became effective).

Furthermore, these provisions and agreements were adhered to in practice, as far as I was able to observe. The reports and discussions in the meetings of the Aufsichtsrat (see number 1 of my Affidavit) did not go beyond the usual scope and subject matter of meetings of the Aufsichtsrat of similar enterprises. Nor did I ever observe outside of the meetings that the members of the Aufsichtsrat appointed by the I.G., including Dr. Buefisch and Dr. Ambros, concerned themselves or interfered at all with the management in any way beyond this limit of a normal supervision by an Aufsichtsrat. The representatives of the Fuerstengrube, especially Falkenhahn, Quallberg and Ottermann, followed the practice, whenever they referred any matters at all to the I.G., of applying to me first of all in organizational, legal and financial matters; in financial matters they also consulted the representatives of our Central Financial Administrative Department (Zentral-Finanzverwaltung); in technical matters they consulted for the most part the competent persons of our Maschinenwerke, to whose requirements the expansion

and operation of the Fuerstengrube were especially adjusted in the later development. "

In the meetings of the Aufsichtsrat a survey was made of course at regular intervals of the activities of the plant; at such times the procurement of material and the employment of labor were also discussed in general terms. I do not remember whether there was any special discussion on the employment of concentration camp prisoners. As far as I can recall, I myself first heard of this fact on the occasion of a visit to the Fuerstengrube in the fall of 1944. Certainly, no action was initiated by the Aufsichtsrat concerning the employment of concentration camp prisoners at the Fuerstengrube or Janina.

8. Concurrently with the notarial preliminary agreement of 8 February 1941 the supplementary agreement ("Zusatzvertrag") was concluded, which is also included as a part of Exhibit No. 1529 of the Prosecution. Besides the regulation of certain technical details its main purpose was to cope with the financial difficulties (as outlined under No. 3) of the Pless A.G. This was done as follows: the commitment of the Pless A.G. to enlarge the mine shafts to a capacity of 1.5 million tons per year was limited to an estimated capital requirement (including investments in kind) of not more than RM 30 million. In excess of that amount the Pless A.G., which otherwise could have been outvoted theoretically, was only entitled, but not obligated, to participate. Further, the I.G. guaranteed to the Pless A.G.

an annual profit of 4 % for the first 25 years on the participating interest taken over when the company was founded. The Pless A.G. had requested this to ensure getting the use, in connection with the Puerstengrube complex, of a credit based on participating interest that had been granted by the German Reich, I believe, and that was still in effect for the mentioned period of time. One of the main points - and really the starting point - of the entire supplementary agreement in the negotiations on the part of the Pless A.G. was the guarantee that the Pless A.G. should suffer no loss under any circumstances for the time mentioned as a result of its participation in the Puerstengrube G.m.b.H., but that it could be certain of having enough profit to meet its interest on debt. Aside from this there probably would have been no urgent reason for the supplementary agreement. Still another financial guarantee for the Pless A.G. with regard to its invested capital was provided for in Article 6 (paragraphs 5 and 8) of the by-laws, an article that concerned the affair as a whole from a business standpoint, but which was embodied in the preliminary agreement, or articles of incorporation, for legal reasons. It provided that the Pless A.G. would have the right, within the same period of time until the end of 1963, to demand that the I.G. take over the participating interest of Pless or a part of it. The I.G. was agreeable to this desire of the Pless A.G., but since the I.G. would thereby assume the entire business risk for the time of the guarantee, it made a counter-proposal for an amendment which then became Article 6 of the supplementary agreement: In compensation the I.G. was to have a free hand, during the time mentioned, in its projects for the Puerstengrube G.m.b.H.,

especially for expansion, operation and new installations, but without any further obligations for the Pless A.G. to result therefrom. For the period of time after the expiration of the 25 years, agreements were made which were to guarantee for the Fuerstengrube G.m.b.H. an independence in the conduct of its business affairs and an appropriate dividend rate, in order that the Pless A.G. would have the prospect for this period, too, of sufficient income for its participating interest.

In actual practice - as was expected from the beginning - the guarantee by the I.G. was claimed every year, I believe. On the other hand, the I.G. made no use of the possibility under the agreement of having a free hand in the control of the Fuerstengrube G.m.b.H. A gentlemen's agreement was soon reached between the principal officials of the Pless A.G. on the one hand and those of the I.G. on the other, especially Dr. Buetafisch, to the effect that the I.G. would make no use of the possibilities given it by its majority share in the Fuerstengrube G.m.b.H. and as the agreement; and that it would not dominate its partner, the Pless A.G., through its majority vote, but that all resolutions would be discussed and adopted in a friendly and reciprocal understanding between the two partners. And this gentlemen's agreement was always adhered to. All questions that came up were, as far as I can recall, discussed on a friendly and equal basis between the representatives of the two partners, and an agreement was always reached on equal and voluntary terms. In practice the arrangement was handled as if the Fuerstengrube G.m.b.H., the Pless A.G. and the I.G. had been partners on a equal basis and as if they had likewise been represented on a basis of equality in the Aufsichtsrat.

APPENDIX TO DOCUMENT BOOK VIII - BUETERFISCH

7. Also as regards the JANINA-mine, it is out of the question that pressure was exerted on PLESS A.G. by I.G., or that I.G. had exercised arbitrary or a majority control over JANINA. The first mention of the JANINA-mine and the initial suggestion to take an interest in it, emanated from P e l k e n - h e h n . PLESS A.G. attached decisive importance to the point that a possible interest in JANINA should be accompanied by participation of PLESS A.G. and, therefore, under the aegis of FUERSTENGRUBE, which I.G. accepted immediately. The negotiations with the competent HTG (Main Trustee Office East) were not conducted jointly by both partners, but on behalf of both partners by members of PLESS A.G. only, who had proposed ^{this} in view of its special connections to HTG. When subsequently FUERSTENGRUBE G.m.b.H. was appointed administrative agent for the JANINA-mine, the management of FUERSTENGRUBE G.m.b.H. acted in this matter as independently as in its handling of other business, and the Aufsichtsrat (supervisory board) interfered with the management in this respect as little as usual. Thus everything proceeded the way I have previously described in general regarding the conduct of affairs and the direction within FUERSTENGRUBE G.m.b.H.
8. It is not known to me that the question of making use of concentration camp prisoners at FUERSTENGRUBE or JANINA had been expressly discussed and decided by the

APPENDIX TO DOCUMENT BOOK VIII - BUEFELISCH

Aufsichtsrat or among its members, let alone arbitrarily by I.G. or its representatives. From the whole organization of FUERSTENGRUBE G.m.b.H. and its conduct, this was part of everyday management concerning the manager and Prokurist, and as far as I observed, in this instance too, no departure was made regarding this question.

Nuernberg, 5 March 1948

APPENDIX TO DOCUMENT BOOK VIII BUETEFISCH No. 313
EXHIBIT No.

APPENDIX 1
to Document Book Bueteifisch VIII

Incorporation Agreement (Gesellschaftsvertrag).

For the Gesellschaft mit beschränkter Haftung
(limited liability company): "Puerstengrube Gesell-
schaft mit beschränkter Haftung".

Par. 1

Title, location.

- 1.) The company has the title of
"Puerstengrube Gesellschaft mit beschränkter
Haftung".
- 2.) Its location is Kattowitz.

Par. 2

Object of the Undertaking.

The object of the undertaking coal mining,
especially the operation of the hard coal mine,
"Puerstengrube", previously operated by the Fuerstlich
Flossischen Bergwerke-Aktiengesellschaft in Kattowitz,
also coal utilization and coal refining of every
kind and the operation of similar or related under-
takings including the marketing of such products.

Par. 3.

Capital Stock and Shares.

- 1.) The capital stock is RM 25,000,000.00.
- 2.) Of the capital stock, I.G. Farbenindustrie Aktien-
gesellschaft will take over 51 % at the nominal
value, i.e. a capital liability of RM 12,750,000.00;
the Fuerstlich Flossische Bergwerke-Aktiengesell-
schaft will have 49%, i.e., a capital liability
of RM 12,250,000.00.

The I.G. Farbenindustrie Aktiengesellschaft
will produce its capital liability in cash prior
to official incorporation.
The Fuerstlich Flossische Bergwerke-Aktiengesell-
schaft will contribute as a capital asset other
than cash the establishment of the Puerstengrube
as of 31 December 1940, including certain coal
fields or a claim to the lease of such fields.
This includes everything which served the
operation of the Puerstengrube on 31 December 1940
or which was destined to serve such operation,
namely the assets and liabilities enumerated in

APPENDIX TO DOCUMENT BOOK VIII DUTTEFISCH No. 313
EXHIBIT No.

Appendix 1
to Document Book Duttefisch VIII

the attached statement of assets to 31 December 1940 - enclosure 1 - and also maps - enclosures 2, 3, and 4. These enclosures are an integral part of this agreement. The contribution of coal fields III and IV indicated on the map, enclosure 2, which are of equal value, or of the contribution of the relevant lease title will be effected at the option of I.G. Farbenindustrie Aktiengesellschaft.

- 3.) The contribution of the Fuerstlich Plessische Bergwerke-Aktiengesellschaft is accepted at RM 14,000,000.00; accordingly the Fuerstlich Plessische Aktiengesellschaft will be paid RM 1,750,000.00 in cash, in addition to its capital share of RM 12,250,000.00 which is covered in full by the material assets brought in.
- 4.) From 1 January 1941 the operation of the Fuerstengrube will be for account of the company.

Par. 4

Current Agreements and the like.

- 1.) The company will step into existing current agreements and legal actions, in so far as these concern the Fuerstengrube and such transfer is

APPENDIX TO DOCUMENT BOOK VIII RUETERFISCH No. 313
EXHIBIT No.

Appendix 1
to Document Book Rueterfisch VIII

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legally permissible. These are listed in enclosure 5 which forms an integral part of this agreement.

- 2.) The Company will also take over the workers and employees engaged at the Fuerstengrube. It will step into existing agreements with them. The employees to be transferred are listed in enclosure 6.
- 3.) Files and records pertaining exclusively to the Fuerstengrube will be left to the Company. In so far as is required for the conduct of the Company's affairs the Company has the right to inspect the accounts and files of the Fuerstlich Plessische Bergwerks-Aktiengesellschaft.
- 4.) The Fuerstlich Plessische Bergwerks-Aktiengesellschaft undertakes that the Company will not be expected to assume any liabilities other than those listed in Para. 3 and 4.
- 5.) The expenses of the formation and its execution will be born by the Company.

Par. 5

Increase of Capital.

In addition to the amount of the capital shares, the partners may decide to request further cash payments up to 20 % of the company shares.

Par. 6

Sale of Shares and Right of Disposal.

- 1.) If shares or parts thereof are to be sold to outside parties, the other partner of the Company has the first option on their purchase. This right applies to any case of sale. In every case the party entitled to the purchase can request that the shares be sold not according to the relevant terms of sale, but according to the capital value irrespective of any other condition in the established books by the last annual balance sheet of the Fuerstengrube Gesellschaft mit beschränkter Haftung. The period for exercising the option shall be one month from

APPENDIX TO DOCUMENT BOOK VIII BUETEFISCH No. 313

EXHIBIT No.

Appendix I
to Document Book Bueteifisch VIII

the date of written notification.

- 2.) Transfers among Konzern undertakings are not sales in the above sense and therefore exempt from the right of option.
- 3.) Together with a company share the option may be transferred correspondingly.
- 4.) If there are several parties entitled to purchase, any option is not exercised will devolve on the others according to the number of shares held.
- 5.) Until 31 December 1936, I.G. Farbenindustrie Aktiengesellschaft is obliged to purchase from Fuerstlich Pleessische Bergwerke-Aktiengesellschaft at the latter's request, its share or parts thereof amounting to at least RM 100,000.00, thus compensating for the value of the investments according to Par. 3, sec. 3, and any other future investments or additional payments. I.G. Farbenindustrie Aktiengesellschaft may request that the payment be distributed over a period not exceeding 5 years. In this event, the balance will bear interest at 1% above the Reich bank rate.

APPENDIX TO DOCUMENT BOOK VIII BUETEFISCH No. 33
EXHIBIT No.

Appendix I
to Document Book Buotefisch VIII

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Par. 7

Management and Representation.

- 1.) The Company will have one or several managers. They will be appointed and recalled by the Aufsichtsrat (Supervisory Board).
- 2.) If there are several managers, the Company will be legally represented by two managers or one manager together with a Prokurist.
- 3.) Procura will be granted and rescind^{ed} by the managers. It will only be given as a joint procura.
- 4.) The Aufsichtsrat may issue rules of business conduct to the management.

Par. 8

Aufsichtsrat.

- 1.) The partners will appoint an Aufsichtsrat consisting of at least 5 members. The members will be appointed by the partners, on the basis of their capital share. A larger holding entitles the shareholder to at least the appointment of one extra member. Each partner can recall a member it has appointed at any time, otherwise the tenure of office is unlimited.
- 2.) The Aufsichtsrat supervises the management. The partners may also confer on it final authority and the power to regulate the management.
- 3.) The Aufsichtsrat may lay down its ^{own} statutes to itself.
- 4.) The Aufsichtsrat is a quorum if all members have been summoned and at least three members are present.
- 5.) The chairman can effect³ resolution by the Aufsichtsrat through written or telegraphic declarations, if no member immediately objects to this procedure.

APPENDIX TO DOCUMENT BOOK VIII BUETEFISCH
No. 313
EXHIBIT No.....

Appendix 1
to Document Book Bueteifisch VIII

- 6.) The Aufsichtsrat shall pass a resolution by majority vote of those present. In case of a deadlock, the Chairman has the casting vote.
- 7.) The members of the Aufsichtsrat can resign their office at any time by written declaration.
- 8.) Corresponding application of Par. 87, sec. 3, Par. 91, Par. 92, sec. 1, Par. 98, sec. 2 AktG is excluded.

Par. 9

Voting by the Partners.

The partners meeting shall make decisions in so far as it is permitted by law, by a simple majority of the votes counted.

Par. 10

Fiscal Year, Annual Report, Net Profits.

- 1.) The fiscal year is the calendar year. The first fiscal year will end on 31 December 1941.

Appendix I
to Document Book Bustefisch VIII

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- 2.) The managers will draw up an annual report each year within six months after the end of the fiscal year, and present it to the Aufsichtsrat for use of the partners. The adoption of the annual report by the partners will take place within two months after submission by the managers.
- 3.) The partners at their discretion will determine the utilisation of the net profit and the treatment of a loss shown in the balance sheet.

Par. 11

Announcements.

Announcements of the Company will be made through the German Reich Gazette (Deutscher Reichsanzeiger).

Kattowitz, 28 June 1941.

APPENDIX TO DOCUMENT BOOK VIII BUETEFISCH No. 313
EXHIBIT No.

Appendix 1
to Document Book Buetefisch VIII

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Statement of Condition.

A. Assets.

Invested Capital:

Titles according to map enclosure 2) Real Estate
according to following itemized list and
map 3) and 4)

Shafts, blind shafts, pumping stations

Operational buildings

Dwellings

Plant buildings

Machinery and technical installations underground

Machinery and installations (technical) above-ground

Operational inventory, underground

Operational inventory, above-ground

Office inventory

Warehouses, Restelry and Sleeping Quarters

Reserve shares

Floating Capital:

Company stores

Cash holdings

Total Worth of Assets

RM 14,150,000.--

B) Liabilities

Liabilities.

Claim of Puerstlich Plassische
Bergwerks- A.G., Kattowitz, for excess
stores of working materials,
i.e. value of material invest-
ments

RM 150,000.--

RM 14,000,000.--

APPENDIX TO DOCUMENT BOOK VIII BUETEFISCH

CERTIFICATE OF TRANSLATION

11 March 1948

We, Gerta KANNOVA, No. 20151, and George GOODMAN,
No. 34789, hereby certify that we are thoroughly
conversant with the English and German languages
and that the above is a true and correct translation
of the Appendix to Document Book VIII Buetafisch.

Gerta KANNOVA
No. 20151

George GOODMAN
No. 34789

Case 6
Defense

TRIBUNAL VI

CASE VI

DOCUMENT BOOK IX
OF
Dr. Heinrich HURTENVICH

Submitted by Defense Counsel

Dr. Hans FLAACHNER

Attorney-at-Law



Seal

Index for Document Book BUSTEFISCH IX.

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Personal Attitude and Attitude towards the Party:

- 1 Letter from the NSDAP Ortsgruppe Leuna
of 29 October 1937. Bus. 209

Containing information declining Dr. BUSTEFISCH's
Party membership.

- 2 Affidavit Dipl. Engineer Walter STEIGLE
of 24 January 1948. Bus. 254

Affiant certifies that Dr. BUSTEFISCH often
sharply criticized National-Socialistic measures;
that in Leuna Dr. BUSTEFISCH kept away from all
Party demonstrations, and that he was known for
having given his assistance to all people who were
in difficulties for religious, political or
racial reasons.

- 5 Affidavit Dipl. Engineer Walter STEIGLE
of 15 February 1948. Bus. 272

Affiant reports an incident with the Gauleiter
of Lower Danube who said: "I do not want to have
the I.G. in my Gau." Dr. BUSTEFISCH, just came
back from the Fuehrer who was furious with the
I.G. and was determined to break up the business
after the war. There would be no further mercy
shown after the war. BUSTEFISCH, after the
affiant had informed him about these remarks, said,
one should let these people talk but meanwhile
remain on the alert.

- 8 Affidavit Dr. Ing. Heinz BECHOLT
of 12 February 1948. Bus. 198

Affiant testifies that Dr. BUSTEFISCH was wholly
absorbed in his business and had no taste for
politics. Dr. BUSTEFISCH's popularity with all
his subordinates was not only the result of his
social understanding but was also due to the
fact that he never spared himself in cases of
emergency. BUSTEFISCH had been absolutely
opposed to political corruption and tactlessness
of the political agencies as well as to anti-
semitism.

Page	Contents of Document	Exh. No.
10	<u>Affidavit Wilhelm STUBBS, 11 February 1946:</u> Affiant certifies that Dr. BUEYFISCH never took a positive attitude towards National-Socialism. He had scathingly criticized the measures adopted by the government, the interference with personal freedom and independence of economics. In reply to a question why he had joined the NSDAP he had declared that this had been unavoidable in view of his position. After the break-down in May 1945 BUEYFISCH had declared with reference to the news broadcast by the Allies concerning the state of affairs in concentration camps that he could not believe such things.	Exh. 252
13	<u>Affidavit Dr. med. Heinrich ARNDT, 5 November 1947:</u> Affiant, works-doctor in Lemne and Dr. BUEYFISCH's private doctor, testifies that Dr. BUEYFISCH's attitude was always critical and opposed towards National-Socialism and its leading personalities. Affiant confirms that BUEYFISCH and he had been members of the same Masonic lodge in Halle.	Exh. 245
15	<u>Affidavit Fritz SCHLUSCHKE, 3 November 1947:</u> Affiant certifies that BUEYFISCH had always been on terms of good comradeship with his subordinates and that in difficult situations he had always displayed personal courage. He treated workmen and supervisors decently and justly and had always been ready to assist fellow-workers who had got into trouble somehow.	Exh. 182
17	<u>Affidavit Dr. med. Heinrich SCHMIDT, 3 November 1947:</u> Affiant certifies that Dr. BUEYFISCH never displayed any interest in political questions. He treated his fellow-workers only in accordance with business aspects. The news that Dr. BUEYFISCH should have held an honorary rank in the SS seemed quite incredible to Affiant, for the only reason being that Dr. BUEYFISCH had been a member of a Masonic lodge. Dr. BUEYFISCH himself had never mentioned the fact; he had never worn the SS badge, let alone a uniform.	Exh. 183

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..... AFFIANT testifies that Dr. BUETEFISCH had sharply opposed the intensification of the Party and had tried to help his racially persecuted co-workers.

20	<u>Affidavit Pastor Helmut UERICH, Leuna, dated November 1947.</u>	Exh. 150	
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AFFIANT assures, that Dr. BUETEFISCH had been an active member of the Protestant-Church congregation from the day he took office in Leuna, 1 October 1920, until his departure in May 1945 and had taken an active part in church work. During the time of the persecution of the church, Dr. BUETEFISCH had openly acknowledged his membership in the church. Dr. BUETEFISCH had always espoused the cause of the church even at a time, when others had considered it opportune to turn their back on it.

21	<u>Affidavit Dr. Friedrich RINGER, dated 20 January 1940.</u>	Exh. 251	
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AFFIANT has been one of the closer co-workers of Dr. BUETEFISCH since 1937. He testifies that Dr. BUETEFISCH had shown a repudiating and opposing attitude towards all National Socialist methods of violence in public- and economic life. AFFIANT had difficulties because of his own opposing attitude towards the Party. Dr. BUETEFISCH had always intervened for him, the Affiant. Frankly spoken opinions and even sharpest criticism of political character had always found the fullest understanding of BUETEFISCH. The Affiant learned only in 1945, that BUETEFISCH was a member of the Party and had also an honorary SS-rank. Dr. BUETEFISCH had never mentioned to him this connection with the Party, never wore a Party-badge or a uniform. One could not draw the conclusion of a closer connection with the Party from the purely actual attitude of Dr. BUETEFISCH. AFFIANT is of the opinion that Dr. BUETEFISCH in his heart never could have approved of the aims of the Party. The connections of Dr. BUETEFISCH to highly placed Party politicians, like KRUESS, appeared to the AFFIANT as unavoidable, considering BUETEFISCH's position in the Party. BUETEFISCH, according to the opinion of the AFFIANT, must have considered this connection as necessary for the execution of his tasks. Affiant certifies, that BUETEFISCH

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had often intervened on behalf of political per-
secutees and for persons who had difficulties be-
cause of their race. In the fall of 1939
Dr. BURETTEFISCH had been very depressed be-
cause of the madness of the outbreak of
the war, the outcome of which he viewed
with the greatest anxiety.

25 Affidavit Dr. Kurt FISSEL, dated 24 Bus.249
January 1945.

During the period from 1937 until
1945 FISSEL had special close connections
of official and personal nature with
Dr. BURETTEFISCH and testified to Dr. BURET-
TEFISCH's strong inner opposition to National
Socialism. Dr. BURETTEFISCH had joined the
NSDAP for the sole reason not to suffer in
his position. Dr. BURETTEFISCH always voted
when it came to put a stop to interference
from the Party. Encroachments on the part
of the Gauleiter and the Kreisleiter of
Bochum, who tried to get into the life-insur-
ance of the company, were opposed energeti-
cally and successfully by Dr. BURETTEFISCH.

26 Affidavit of Dr. Ing. Wilhelm von der Bus.210
BRIDE dated 7 December 1945.

FISSEL has known Dr. BURETTEFISCH for
forty years. BURETTEFISCH, a Chemist with an
intense liking for his profession, and of
the leading experts in the field of High
Pressure Synthesis, had had a purely ob-
jective attitude and was motivated only by
professional necessities. Politically un-
interested, he had to join the NSDAP at the
end of 1938 because of his leading position,
but had kept positively himself apart from
political questions. He had only come forward
when it became necessary to fight against
excesses. With regard to his professional
collaboration with SS-Fuehrer TRIMMERS
within the framework of the Brak, BURETTEFISCH had explained to the FISSEL that,
in the interest of his professional work,
he could not avoid the connection with these
circles. Dr. BURETTEFISCH never wore a uni-
form or a Party badge. Dr. BURETTEFISCH de-
clared to the FISSEL that he had right
from the beginning asked to be exempt from
any obligation to participate in Party
gatherings of any kind. Dr. BURETTEFISCH had
never approved of the Party program, in
particular, he had firmly objected to the
persecution for political or racial reasons.

- 21 Affidavit of Dr. Mathias MEYER of 3 January 1948. Doc. 245

MEYER states, that the greatest difficulties were put in his way by the Party because of a co-worker who was partly of Jewish origin, that he had approached Dr. BUETTFISCH in this matter, to find a way to keep this co-worker in his position. BUETTFISCH had prepared the way to KRAEPELUS for the MEYER and had supported his request to KRAEPELUS, so that the MEYER could keep his co-worker. The attacks of the Party, which were again and again renewed and in a more severe way against this co-worker, had been rendered harmless through the energetic intervention of BUETTFISCH.

- 22 Affidavit of 'Annerie' BAWMEYER, dated 6 November 1947. Doc. 153

MEYER is the widow of the chemist Dr. BAWMEYER who, on racial grounds, had to give up his position in the Leuna plant in October 1933, had been arrested in 1933 by the Gestapo and died in 1940 in the concentration-camp Sachsenhausen. MEYER states that Dr. BUETTFISCH had intervened at all times for Dr. BAWMEYER. Against the strongest opposition of the Party circles, BUETTFISCH had kept her husband in his position in the plant Leuna. BUETTFISCH had managed to get a job for her husband with the Standard Oil in the USA, in order to remove him from the clutches of the Gestapo. BUETTFISCH had tried his utmost to free her husband at the time of his arrest by the Gestapo shortly before his departure for abroad and had succeeded finally in having the widow paid a pension after the death of her husband until May 1945.

- 23 Affidavit Dr. Max SCHMIDT, 6 November 1947. Doc. 147

MEYER was the chief work-physician of the Leuna plant, has known Dr. BUETTFISCH since 1921. Dr. BUETTFISCH's attitude towards the National Socialist regime had always been strictly negative. BUETTFISCH had condemned the methods of the regime, lost of all antisemitism. The attitude of the Party towards foreign Statesmen, the rule by Party bosses, and the suppression of free speech had been strongly rejected by him. BUETTFISCH had never believed in a war. The actual outbreak of the war in the fall of 1939 came as a complete surprise to BUETTFISCH and depressed him, because already at that time he took a dim view of the outcome.

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When in May 1945 the Affiant, together with BUSTEFISCH and other acquaintances, had listened to the broadcasting of "Die Stimme Amerikas" (The Voice of America) concerning the state of affairs in German concentration camps, giving the first news about extermination of men and cruelties in the Auschwitz camp, BUSTEFISCH declared quite clearly that in his opinion, that state of affairs was impossible. Despite his intimate personal relations with BUSTEFISCH the Affiant had never heard anything before the breakdown of his honorary rank in the SS.

37	<u>Affidavit Hermann SAILER, 7 November 1947.</u>	Doc 137
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Affiant was BUSTEFISCH's secretary in Bonn. Affiant certifies that in 1939 an SS rank was bestowed upon BUSTEFISCH and that in the years following he was substantially promoted still higher. The SS-rank had been a mere matter of formality. BUSTEFISCH had never displayed himself in uniform, and as far as the Affiant knows he never possessed one, and he had never done service in the SS. The fact of BUSTEFISCH's SS-rank had been generally unknown in Bonn. BUSTEFISCH has also been invited to the circle of friends but he seldom followed those invitations because he did not attach great value to this. BUSTEFISCH had repeatedly instructed Affiant to refuse invitations. BUSTEFISCH has always known of the Affiant's Marxist attitude but he never publicly criticized in his presence anti-fascististic theses and statements of the Fuehrer contained in and he expressed his opposition towards aggressive militaristic tendencies. BUSTEFISCH on principle never attended any of the Party-demonstrations and he given him, the Affiant, a permanent instruction to excuse his absence for business reasons. BUSTEFISCH had always helped persons who had been persecuted for racial or political reasons, as e.g. the analytical chemists Dr. DREHMER and Dr. JAKOBI.

39	<u>Affidavit GILKE or KUTZEL, 13 October 1947.</u>	Doc 143
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Affiant was Dr. BUSTEFISCH's secretary in Berlin. Affiant certifies that she had noticed for the first time Dr. BUSTEFISCH's SS-rank in 1942 or 1943 through an invitation to the circle of friends. Then she had expressed her surprise. BUSTEFISCH had told her that it was a quite insignificant formality. Affiant certifies that BUSTEFISCH never made use of his honorary rank, he had never worn a uniform or even a badge.

Neither privately nor officially had he ever made use of his rank. Invitations for the meetings of the circle of friends which were sent from Kranefuss' office she had very often refused on JUSTFISCH's instructions. The few times he had attended these meetings had been the result of KRAEFUSS's persuasion. The happenings in these meetings Dr. JUSTFISCH had often explained to her as of a quite unimportant and sociable nature. JUSTFISCH had been quite disinterested in political problems and had not taken any interest in the topics of the day. He had never paid any attention to the political attitude of his fellow-workers. JUSTFISCH had disliked his fellow-workers taking part in political demonstrations and had stopped this as much as he could.

42

Affidavit George GRUBB, 26 January 1948.

Doc 236

Affiant certifies that JUSTFISCH had never officially rejected the national-socialistic racial principles. JUSTFISCH had kept up his friendship with the Affiant who was married to a Jewess during the whole time of the national-socialistic regime and had given him his assistance.

44

Affidavit Martha LINNICH 8 November 1947.

Doc 155

Affiant certifies that she has known Dr. JUSTFISCH since 1921. JUSTFISCH had kept away completely from Party-demonstrations and had never worn a badge, let alone a uniform, and in house he had been regarded as the "unpolitical JUSTFISCH". JUSTFISCH's readiness to help and his social attitude had always been recognized and appreciated by the work staff.

46

Affidavit Captain i.R. Gottfried GRIGEL, 12 Dec. 1947

Doc 219

Affiant knows Dr. JUSTFISCH from close official contact from the time of the outbreak of war until the end. Affiant never knew that Dr. JUSTFISCH had anything to do with the SS. There had not been the slightest sign for such a connection, neither from his behaviour, nor from outward badges nor from his remarks at conferences. JUSTFISCH's acquaintance with KRAEFUSS, who had appeared to Affiant to be a business man of sensible tendencies had not struck Affiant as peculiar, the less so since JUSTFISCH and KRAEFUSS were both in the management of the Brewery.

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- 48 Affidavit Dipl.Engineer Karl WÄSLER, 8 November 1947 Bue. 154

Affiant has known Dr. BUETEFISCH for years and certifies that in his presence BUETEFISCH had often criticized HITLER and other leading men, had called the directives impracticable and pernicious, especially measures against the Jews and the slandering of foreign statesmen and the thereby created tension in foreign policy. Despite his intimate acquaintanceship the affiant got to know of the fact of BUETEFISCH's SS-rank only in 1946 through the papers.

- 50 Affidavit Wilhelm BRUMMER, 22 November 1947 Bue. 151

Affiant worked at the Leuna Works until 1940 when he was arrested by the Gestapo on the assertion that he was a Jew. BUETEFISCH who had known him since 1932 had tried to keep Affiant in his post as long as possible, but was powerless against the Gestapo. The whole directorate of the Leunawerke had not been anti-Semitic. At the time when owing to the Gestapo measures all people had turned their backs on Affiant and his family, BUETEFISCH's daughter had kept up the friendship faithfully with her father's permission.

- 52 Affidavit Dr.Ing.Paul KOPPE, 26 August 1947. Bue. 145

Despite all professional and business relations of many years standing between the Affiant and BUETEFISCH, he had never noticed or heard that BUETEFISCH had a rank in the SS or that he had any other connections with the SS. Affiant had never seen BUETEFISCH in SS- or any other Party-uniform and had heard only as late as 1947 of the honorary SS-rank bestowed on BUETEFISCH.

- 53 Affidavit Regierungsbaurmeister i.R. Dr. Ing. Hermann KLEINBOEHL, 18 October 1947. Bue. 142

Affiant has known Dr. BUETEFISCH since 1921. BUETEFISCH's attitude towards the National-Socialist movement had been one of indifference. He had joined the Party towards the end of 1936 for business reasons. BUETEFISCH had always candidly criticized abuses of the regime.

Affiant believes that the reasons for the bestowal of an honorary rank in the SS to be due to the fact that BUETEFISCH had been on the BRAUN Vorstand, same as KRANFES, a higher SS leader, whereas KEPPNER had been in the Aufsichtsrat. BUETEFISCH had told him in 1939, that he had received this SS Commission and had remarked that he could not very well refuse it but that he did not like it. BUETEFISCH had never made use of either his Party-membership or of his SS-rank.

56 Affidavit Dr.phil.Karl SCHULZ, 29 September 1947. Bue. 167

Affiant certifies that Dr. BUETEFISCH had helped him on several occasions and had enabled him to emigrate when he was under persecution for race-defilement. BUETEFISCH had achieved through his courageous support that the procedure against him had been quashed. After Affiant had returned to Germany temporarily from Brazil, new denunciations against him had been lodged, BUETEFISCH had again achieved that this denunciation remained without consequences. When Affiant urged BUETEFISCH to emigrate to Brazil as quickly as possible, BUETEFISCH had replied: "Do you imagine I am the only one who wants to get out here? Unfortunately, we cannot all of us emigrate to Brazil."

65 Affidavit Hugo STIMES, 25 February 1948.

Bue. 302

Affiant's business relations and joint interests in the field of mineral oil had brought about a joint and constant contact lasting until the end of the war. Before the war BUETEFISCH had agreed with Affiant that the transfer of new solutions to technical problems to the industries ought not to be precipitated; over-straining the industries would be detrimental. BUETEFISCH had never made remarks which would have allowed a conclusion as to a positive assistance in a war of aggression. On the contrary, BUETEFISCH had always advocated a reasonable attitude in economical questions. Above all, BUETEFISCH had always advocated international understanding in the domain of technology and hereby had stood in direct opposition towards National-Socialist business ideas. During the war it had been BUETEFISCH's standpoint that the foreign workers should be treated decently and properly, same as the German workmen. BUETEFISCH had repeatedly mentioned that the IG and he himself had done everything within their sphere of action to alleviate the conditions of foreign workers. When a leading analytic Chemist

and a first engineer in the field of high pressure of the Welheim plant belonging to the STINNES-Konzern, caused the affiant to be cautious in their presence with making critical remarks concerning the political regime; affiant had discussed this matter with BUSTEFISCH who had managed to find another employment for the chief analytic chemist. When during the war BUSTEFISCH had been appointed head of the economic group Motor-Fuel-Industries he had remained consistent in his attitude and in the management of this economic group had kept up his non-political business-like attitude,

70. Affidavit Paul SCHERFER, Analytical Chemist,
18 February 1941.

Doc. 279

Affiant was Referent in the Mineral-oil Department of the Ministry of Trade and Industries. He states that he never heard of BUSTEFISCH having been active in political matters. BUSTEFISCH had never worn a Party-badge or a badge of any of its other organizations, not to mention a uniform. BUSTEFISCH never abstained from criticizing sharply National-Socialistic measures.

72. Affidavit Dr. Hermann GORN, 10 November 1941.

Doc. 253

Affiant had always officially dealt with Dr. BUSTEFISCH since 1909. Affiant had got to know of the fact that BUSTEFISCH had been conferred an honorary SS-rank only after the capitulation. Affiant had never imagined that BUSTEFISCH, in view of his entire political attitude, could ever have had any close connection with the SS. Affiant has never seen BUSTEFISCH wearing a badge, not to speak of a uniform. Affiant only knew that BUSTEFISCH was on good terms with FRANKFEL. BUSTEFISCH's actual attitude towards the SS-machine was critical and opposing. BUSTEFISCH had always been ready to listen to a candid exchange of opinions. He had chosen his fellow-workers only for business, and not for political reasons. SCHERER, BUSTEFISCH's chief office clerk, had and been close to the SS, but BUSTEFISCH had respected SCHERER as a decent and efficient worker. BUSTEFISCH had always emphasized that the management must establish fair and decent working conditions for all working hands, also for the foreigners. BUSTEFISCH had always been ready to help in preventing undue interference of the Party. When HITLER had decreed that all persons should be removed from leading positions who were carried to Swastika

BUETEFISCH had successfully managed that the leading engineers of the Tarnobitz and Kolin Refineries remained in their positions, although they were affected by this HITLER decree.

- 76 Affidavit Dr. H. GERSCHWEDER, 6 February 1948. Doc.100

(see also Doc.Book, Vol.IV, page 35)

Affiant declares that he has heard only much later that an honorary SS-rank had been conferred on BUETEFISCH on KRANEFUSS' recommendation. Affiant has never seen or heard that BUETEFISCH ever wore a Party badge or the SS-uniform. BUETEFISCH's attitude had not at all been in accord with National-Socialistic or SS aims.

- 77 Affidavit Robert WAGNER, 8 November 1947. Doc.153

Affiant states that he got to know BUETEFISCH as an impartial superior and honest man. In unofficial conversations, BUETEFISCH had listened with interest to critical remarks about the National-Socialistic regime and had entirely allowed them to prevail. Moreover, BUETEFISCH had rated the workmen only according to their efficiency, and their political opinions had not interested him.

- 78 Affidavit Heinrich GUNZEN, 20 January 1948. Doc.250

Affiant declares that BUETEFISCH's joining the Party had been understandable under the prevailing circumstances in view of his leading economic position as technical director of the Leunawerke. BUETEFISCH had told him of the conferring of the honorary SS-rank, but that he had never made any personal use of it. Affiant had never seen BUETEFISCH in uniform or with the Party badge. BUETEFISCH had told affiant that he never dreamt of getting himself a uniform. He had accepted the rank only under the condition that he need not swear the oath, that he could keep his full liberty and that he was not expected to do any service. BUETEFISCH had remained absolutely unpolitical and in all official decisions he had never let himself be guided by Party- or political influences, and he had often rigorously criticized National-Socialist measures. When the Labor-Front, on the strength of its political power, tried to obtain a leading interest in some mineral-oil enterprise,

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.....BUETEFISCH sharply protested and prevented it. BUETEFISCH likewise intervened on behalf of the racial persecutes in industry.

81 Affidavit Prof.Dr.med.CLAUSEN of 17 November 1947. Bue.76

Reports about a severe eye ailment of BUETEFISCH in 1940, in the course of which his right eye had to be removed. This surgical operation and the resulting anxiety least this ailment of BUETEFISCH should affect other parts of the body, put a severe mental strain on BUETEFISCH during the following years.

84 Affidavit Dr. Hans KLEING of 25 February 1948. Bue.296

The Affiant reports that a chemist employed in the experimental laboratory of the Leuna Works was to be removed from his position in the plant, but was kept there as long as possible by Dr. BUETEFISCH and Dr. SCHNEIDER. When, after 1938, this was no longer possible, he was, on their instigation, pensioned off with full pay and Dr. BUETEFISCH made efforts to get him an employment abroad. He took pains, furthermore, to get an exit permit for Dr. BAUMANN, which was frustrated however by the outbreak of the war. When Dr. BAUMANN was later arrested and had died in a concentration camp, Dr. BUETEFISCH secured payment of the full pension to the widow, though this in itself was not permissible in the case of Jews.

In the same manner Dr. BUETEFISCH intervened for Dr. SCHLUMBURG who had been arrested for listening to foreign radio stations, although this involved considerable risks to himself, in view of the conditions prevailing at that time.

87 Affidavit Dr. Hans KLEING of 25 February 1948. Bue. 297

The Affiant reports that after the heavy air raids on Leuna in the winter of 1944/45, an SS-staff made his appearance in the Works, with an order from HITLER "to counsel" the works management. The leader of the Kommando showed a very arrogant behavior and threatened with draconic measures because, in the opinion of the SS, the works management had failed. By asking remonstrances to the Ministry for Armament, Dr. BUETEFISCH succeeded in having this Kommando turned back to its proper task, namely the removal of transportation difficulties.

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89 Affidavit Dr. Hans BUSTING of 25 February 1948. Bus.84

The Affiant reports that Professor BOSCH had had a discussion with HITLER in September 1934, to convince the latter of the importance of a free unrestricted research, which remained fruitless however. Professor BOSCH therefore decided to have at the next BUNSEN-meeting of the German chemo-physicists and electro-chemists, for which by tradition purely scientific topics were planned, representatives of the chemical industry report about their field, in order to show thus that the success of the German industry was due to the free scientific research work. This was bound to be interpreted as a distinct demonstration. As a result of this decision Dr. BUSTEFISCH lectured at the BUNSEN-meeting on the subject: "The importance of physico-chemistry for the chemical wholesale manufacture."

National Socialist German Labor Party

District Headquarters
(Kreisleitung)

Verseburg

Ortsgruppe Leuna

Leuna, 29 October 1937

To Herr

Dr. Heinrich BUSTEFISCH,

Uferstrasse 7

Your application for membership of the "SDAP has been rejected in agreement with the pertinent Party Court. In accordance with existing regulations it is not permissible to state the reasons for this decision.

Heil Hitler!

(Stamp) signed: KLÄCKE

Ortsgruppenleiter

The above is a true and correct copy.

Nuernberg, 16 February 1948

signed: Dr. Hans FLASCHNER,
Attorney-at-Law.

Number 13 of the Document Register for 1948.

Affidavit

I, Dipl.-Ing. Walter STEINLE, resident in Herne, Shamrockring 6, was warned that I render myself liable to punishment if I make a false affidavit. I declare on oath that my statement corresponds to the truth and was made in order to be submitted as evidence to the Military Tribunal in Nuernberg, Germany.

From the year 1940 onwards I was general manager and technical manager of the Austrian Nitrogen Plants (Stickstoffwerke Ostmark) in Lins which I had constructed as construction and assembly manager. Herr Dr. BUSTEFISCH was chairman of the supervisory board of this company. In my former position as chief engineer (Oberingenieur) of the salt works in the Leuna-Werke, from 1938 onwards, I also came into very frequent contact with Herr Dr. BUSTEFISCH both on business and privately, so that I am in a position to be able to give information about Herr Dr. BUSTEFISCH's personality.

At the time of the (Nazis') advent to power Herr Dr. BUSTEFISCH did not belong to the National Socialist Party. Later, in 1936, as managing director of the concern, he was requested to join the Party by the Kreisleiter; according to what I heard, however, his request for membership was rejected by the Party Court since in former years he had belonged to a masonic lodge. This rejection naturally became generally known and put Dr. BUSTEFISCH into a difficult position with regard to the Gauleitung and Kreisleitung and above all with regard to the workers of the plants, the more so since all the other gentlemen of the plant management had meanwhile joined the Party.

(page 2 of original)

In order to escape all these difficulties, Dr. BUETEFISCH then complied with a renewed request from another quarter although I know that he was never a convinced National Socialist. On the contrary, I always marvelled at the courage with which he sharply and publicly criticized National Socialist measures. In this connection for instance, I remember exactly that, in the first few days of September 1939, he referred to the wantonly started war as madness and a crime. Also during his frequent visits to Linz, he made no bones about his opinion that the German war effort was useless and nonsensical.

Later I also heard that Herr Dr. BUETEFISCH had been given an honorary rank in the SS. However, I never saw him in uniform or wearing a badge. On the contrary, he always refrained from attending Party functions in Loun and he was known for always using his influence for people who were in difficulties for political, racial or religious reasons.

Professionally Dr. BUETEFISCH ranked as one of the foremost experts in his field and we have to thank him for many suggestions in technical development. Through his advice he was a great help to me in my works management in Linz. He expected the plant managers to treat all workers fairly and decently and during his visits he always asked for reports on the conditions of the workers and checked on these reports by making the round of the plant which he usually visited twice a year.

(page 3 of original)

As chairman of the supervisory board he was always ready to listen to my suggestions pertaining to all the social institutions of the plant and always provided funds generously, so that the social level of the workers could be kept far above average.

Herne, 24 January 1948

signed: Walter STEINLE

The above signature of Diplom-Ingenieur Walter STEINLE, of Herne, Shamrockring 6, is certified by me. Herr STEINLE identified himself by means of his identification paper (Personal-nusweis).

Herne, 24 January 1948

(Stamp)

signed: Signature

Deputy Notary Public.

Fees:

Value: 3,000.00 RM
(Par. 24 KO)

Fee as per articles 144, 26, 43 of KO (Court for Regulations) 16.00 RM
Sales Tax 0.48 RM

Total 16.48 RM

signed: Signature
Deputy Notary Public

* * * * *

Certified true and correct copy.

Nuernberg, 17 February 1948

signed: Dr. Hans FLAETSCHNER
Attorney-at-Law

Affidavit.

I, Diplom Ingenieur Walter STEINLE, residing in Herne, Schamrockring 6, having been duly cautioned that I render myself liable to punishment if I make a false affidavit, hereby declare on oath that my statement corresponds to the truth and was made in order to be presented as evidence before the Military Tribunal in Nuremberg, Germany.

From 1 April 1923 until 31 December 1939, I was employed in the Ammonium plant Kerssburg G.m.b.H. (Louna plant), in the end as senior department engineer of the entire fertilizer plants. In the years 1936 to 1938, I was commissioned by the I.G. Farben Industry to construct a complete synthetic nitrogen plant for the manufacture of ammonium sulfates for the Nippon Tar Company in Kuroasaki (Japan). As a result of having gained this experience, I subsequently became technical director of the newly to be established nitrogen plant for the manufacture of calcium ammonium nitrate in Linz.

In this capacity I, together with the technical director of the nitrogen plants Ostmark A.G., Dr. Max MAULANN, visited the Louna plant in the summer of 1942 in order to clarify various technical problems and to discuss financial questions with the chairman of the Aufsichtsrat, Dr. BUETEFISCH.

Then we traveled back from Leipzig to Linz in the sleeper of the night express train. Gauleiter EIGRUBER of the former Gau Oberdonau (Upper Danube) also had a compartment in the same sleeper. EIGRUBER knew us from the negotiations concerning the incorporation of the nitrogen plant into the industrial district of Linz.

Then he saw us, he approached us and said:

"The nitrogen plants do belong to the I.G., don't they?" He denied this and explained to him that the Linz nitrogen plants had been founded jointly by the entire German nitrogen industry and that the I.G. had a hand in it only in as much as its own production of nitrogen was concerned. EIGRUBER then continued approximately as follows: "Well, even so, I don't want to have the I.G. in my Gau. I've just seen the Fuehrer. He is terribly furious about the I.G., because it is a state within the state. HITLER is firmly decided to smash up this whole shop after the war. He would like to do it immediately, but it is impossible at the moment. But after the war there'll be no mercy, there'll be a clean sweep."

With this EIGRUBER broke off the conversation and left us standing. Those utterances are quite clear in my mind because Dr. W. J. L. N. as well as myself were at first completely stunned in face of such an attitude, which we considered absolutely nonsensical, and we talked about it long afterwards in our compartment.

I told various people in the plant about this conversation. I also informed Dr. BUETEFISCH of it when he visited Linz shortly afterwards. He replied to me: "Let the gentlemen talk; we shall have to be all the more vigilant and watch out that we are not pushed aside, so that they can't smash our

industry."

Herne, 16 February 1948
signed Walter STEINLE

No. 24 of the Document Roll for 1948.

I herewith certify the above signature of
Diplom Ingenieur Walter STEINLE of Herne, Shamrock-
ring 3.

The author of the document is personally known
to the deputy notary.

(L.S.)

Herne, 17 February 1948
signed: signature
deputy notary

Bill of costs:

Value: 3.000.00 RM (paragraph 24 KO)

Fees paragraphs 144, 26, 39 KO	4.00 RM
	<u>0.12 RM</u>
total	4.12 RM

deputy notary:
signed: signature

.....

Certified literal and correct copy of the original
document:

Muenberg, 23 February 1948.

signed: Dr. Hans FLAETSNER
Attorney-at-law.

Affidavit.

I, Dr. Ing. Heinz BECHOLDT, residing in Schkopau, district Merseburg, having been duly cautioned that I render myself liable to punishment if I make a false affidavit, hereby declare on oath that my statement corresponds to the truth and was made in order to be presented as evidence before the Military Tribunal in the Palace of Justice, Nuernberg, Germany.

I have known Dr. Ing. Heinrich BUETEFISCH since our joint student days in 1919. Since 1928 I, like him, was employed in the Leuna plant, and thus maintained close touch with him professionally and privately.

I know that Dr. BUETEFISCH was completely immersed in his profession and had no leanings towards political matters and therefore did not occupy himself with political questions. He was extremely popular with his staff which was due not only to his social understanding but also to the fact that he was not afraid to pitch in himself when necessary. Thus it was natural for him to take a personal part in helping during break-downs in the plant and similar difficult situations. Dr. BUETEFISCH retained his popularity with his staff even when, in his position as technical director of the Leuna plant, he was no longer in daily contact with his people, and I remember very well that his foreman and workers even at that time accorded him a friendly welcome at the plant celebrations, which the Party authorities did not exactly cherish.

During the National Socialist period we also frequently discussed the contemporary regime. Dr. BUETEFISCH's view on it was consistently critical and negative. He especially criticized the compulsion pervading all spheres, the suppression of free opinion, the rudeness and tactlessness with which foreign statesmen were assailed in speeches,

Document Book IX BUETEFISCH
BUETEFISCH Document No. 198
Exhibit No. 1...

and the handling of the Jewish problem as manifested in measures against Jewish fellow employees and in the looting of Jewish shops in November 1938. Above all, he also rejected the so-called "political nepotism" (Sonnenpolitik) whereby incapable persons entered influential positions merely by virtue of their membership in the Party.

At times, we also discussed the question whether a war would break out under the former political conditions. Dr. BUETEFISCH, like myself, was convinced that, in the event of war, as in the first world war, a preponderance would be ranged against Germany. For this reason alone he considered it to be out of the question that the National Socialist government would start a war. When the war nevertheless broke out, he was as shocked as I was.

After the collapse of Germany in 1945, I learned that Dr. BUETEFISCH had held a rank in the SS. Until then I had not known anything about that, in spite of our close relationship.

Nuernberg, 11 February 1948

signed Dr. Heinz BECHDOLDT
(Dr. Heinz BECHDOLDT)

I herewith certify the above signature of Dr. Heinz BECHDOLDT, residing in Solk-pau, district Lorchburg, made before me.

Nuernberg, 11 February 1948.

signed: Dr. Kurt H. RTLMANN
(Dr. Kurt H. RTLMANN)
Assistant Defense Counsel
in case VI

Certified literal copy of document Bue 198
Nuernberg, 19 February 1948

signed: Dr. Hans FLAETSCHNER
(Dr. Hans FLAETSCHNER)

Affidavit.

I, Wilhelm STUDDERS, Merseburg, Bahnhofstrasse 17, having been duly cautioned that I render myself liable to punishment if I make a false affidavit, hereby declare on oath that my statement corresponds to the truth and was made in order to be presented as evidence before the Military Tribunal No. VI in the Palace of Justice, Mueraberg, Germany.

I was born in Leipzig on 14 March 1891, and have been a merchant in Merseburg since 1919. I have known Dr. Reinrich BUETEFISCH since 1921. Since then I have had business and private connections with him. I, as a member of Johannis LODGE within the association of the National Mother Lodge to the Three Globes, participated in his initiation in the free-mason lodge to the Three Swords in Halle. As a result of this long and close acquaintance, I gained a reliable picture of Dr. BUETEFISCH's character and activity.

When I met Dr. BUETEFISCH, he was a chemist in the Leuna plant. In the course of the years, he has made outstanding progress in this enterprise. This development was entirely due to his exceptional technical capabilities and efforts. At the beginning of the National Socialist period, Dr. BUETEFISCH already was technical director of the Leuna plant.

In this position Dr. BUETEFISCH had to conduct negotiations with many government and Party agencies. In spite of this he has never, to my knowledge, displayed a positive attitude

towards National Socialism; During many conversations we had in the course of the years, he made disparaging remarks about orders or measures emanating from the Party; for instance about interference with personal freedom and the independence of the economy. When I happened to hear that he had been accepted in the N.S.D.A.P. and expressed my surprise, he told me disdainfully that this had been unavoidable in view of his position.

towards
His attitude / foreign countries was, above all, governed by economic and technical considerations. Dr. BUETEFISCH distinctly thought along lines of world economic cohesion, since he considered this the road to economic and technical progress. Armed conflicts he regarded as nonsensical. HITLER's foreign political demonstrations in the period before the war, he considered bluff and sham.

During our frequent meetings Dr. BUETEFISCH once mentioned briefly to me that he had also been awarded an SS rank. This was due to his acquaintance with a gentleman from the Brabag, who was a senior SS leader. Dr. BUETEFISCH then told me that he considered this as merely honorary and that he had by no means the intention of getting a uniform or of being sworn in. He spoke of the whole matter as of something completely unimportant, and I never saw him in uniform or wearing a badge.

On the occasion of a meeting in Dr. BUETEFISCH's apartment shortly after the German collapse in 1945,

Document Book IX BUETEFISCH
BUETEFISCH Document No. 252
Exhibit No. ...

we exchanged views on the radio broadcasts which the Allies were transmitting at that time. During this we also heard of the atrocities in the concentration camps, as they are said to have occurred in various places. I know that Dr. BUETEFISCH at that time remarked - and we were all agreed on that - that, according to his and our convictions, such inhuman deeds were completely impossible and could not possibly be true.

Merseburg, 11 February 1948

signed Wilhelm STUDDERS

Document Roll No. 224 Year 1948

I, Attorney and Notary Dr. Max HANNSS in Merseburg, herewith certify the above signature of Wilhelm STUDDERS, Merseburg, Bahnhofstr. 17, made before me.

Merseburg, 11 February 1948

signed: Dr. HANNSS
Notary.

(L.S.)

Bill of costs

Value according to paragraph 24 RKO. 3,000 RM

1. Fees paragraphs 26, 39 RKO. 4.-- RM

2. sales tax 0.12 RM

total 4.12 RM

signed: Dr. HANNSS

Certified literal and correct copy of the original document;

Nuernberg, 28 February 1948

signed: Dr. Hans FLECHSNER
Attorney-at-Law.

Affidavit

I, Heinrich-ARNOLD, M.D., Leuna, District of Merseburg, Preussenstrasse 1a, having been warned that I render myself liable to punishment if I make a false affidavit, do hereby declare on oath that my statement is the full truth and was made to be submitted in evidence to the Military Tribunal No. VI in the Courthouse at Nuernberg, Germany.

I have been works doctor with the Leuna-plant since 1920. I have known Herr Dr. Heinrich BUSTEFISCH ever since that time. I have been the family doctor in the BUSTEFISCH home for many, many years.

Of Dr. BUSTEFISCH, as of other gentlemen in the plant management, I know from many conversations that his attitude to National Socialism and its leaders was one of criticism and aloofness. Thus for instance, he regarded many plans and measures of the regime then in power as harmful dilettantism. Up to the actual outbreak of war, the possibility of a war never occurred to Dr. BUSTEFISCH nor indeed to any of the gentlemen in the Leuna management whom I knew. - It may also throw a significant sidelight on his general attitude that, like myself, he was for many years a member of the masonic lodge "The Three Swords", of Halle.

That an SS-rank was conferred on Dr. BUSTEFISCH was not known to me until after the end of the war. I never saw him in uniform or wearing any badges.

- 2 -

Leuna, 8 November 1947

signed: Dr. Heinrich ARNOLD

This is to certify and attest the above signature of Herr Dr.
med. Heinrich ARNOLD, Leuna, Preussenstr. 1a, given in his own hand-
writing at this place before me, Dr. Heinz REINTGES, attorney-at-law,
at present Nuernberg.

Leuna, 8 November 1947

signed: Dr. Heinz REINTGES
Attorney-at-Law

* * * * *

Certified true copy of above document.

Nuernberg, 19 February 1948

signed: Dr. Hans FLAUCHNER
Attorney-at-Law

- 14 -

Affidavit.

I, Fritz BRAUNSDORF, Leuna district of Merseburg, Rudolf Breitscheidstr. 19 having been warned that I render myself liable to punishment, if I make a false affidavit do hereby declare on oath that my statement is the full truth and was made to be submitted in evidence to the Military Tribunal No. VI in the Courthouse at Nuremberg, Germany.

I have been employed by the Leuna-works since 1919, in the first years as plant worker, then as foreman and, subsequently to this day, as senior foreman in the ammonia plant.

Herr Dr. Heinrich BUETEFISCH entered the Leuna-works in 1920, starting also in the ammonia plant. At that time I came to know him intimately, both from the professional and the human point of view, owing to the close daily collaboration which exists between plant manager and foreman.

Dr. BUETEFISCH was a considerably superior who was ready to use his personal influence whenever there arose a difficult situation in the plant. He gave foremen and workers a fair deal. This attitude he retained also when he had become section manager and, later on, managing director of the plant. I recall numerous cases, where workmates who had got into a fix, economically or otherwise, found understanding and generous help from Dr. BUETEFISCH.

All that made him very popular in every respect.

Leuna, 3 November 1947

signed: Fritz BRAUNSDORF

Document Book IX BUETEFISCH
BUETEFISCH Document No. 152
Exhibit No. 152

- 2 -

This is to certify and attest the above signature of Herr Fritz
BRAUNEDORF, Leuna, district of Merseburg, Rudolf Breitscheidstr. 19,
given in his own handwriting at the place before me, Dr. Heinz REINTGES,
Attorney-at-Law, at present Nuernberg.

Leuna, 4 November 1947.

signed: Dr. Heinz REINTGES,
Attorney-at-Law

Certified true copy of

Document BUE 152.

Nuernberg, 10 February 1948.

signed: Dr. Hans FLAEBENER
(Dr. Hans FLAEBENER)

- 16 -

Affidavit.

I, Dr. Ing. Heinrich STROMBECK, Rosenthal, district of Kassel, house No. 243, having been warned that I render myself liable to punishment if I make a false affidavit do hereby declare on oath that my statement is the full truth and was made to be submitted in evidence to the Military Tribunal No. VI in the Courthouse at Nurnberg in Germany.

I was born on 10 February 1885 in Braunschweig. After having studied engineering at the Braunschweig Polytechnic Academy I took there the degree of Dr. Ing. in 1913. Since 1919 I have been with the Leuna plant of the I.G. Farben A.G., at first as deputy manager of the engineering department, later on as manager of the technical department.

I have known Dr. BUEFISCH ever since he entered the Leuna plant in 1920. Both at work and privately, in particular at sport, we associated a lot. Thus I came to know Dr. BUEFISCH intimately and entered into a confidential exchange of opinions with him.

Dr. BUEFISCH saw his life's task in his work as technician and economist. In this work he was untiring. His knowledge and his abilities in his sphere of work were considerable.

Dr. BUEFISCH showed little interest in problems of party politics. They were of no importance whatever to him beside the actual aims of his work. In his relations with his co-workers, too, he was only guided by matter-of-fact views. He was always ready to help them, without bothering about their political attitudes. When I heard that Dr. BUEFISCH was said to have had an SS rank I could not bring myself to believe it. I thought it was impossible, if only because

- 2 -

Dr. BUETEFISCH had previously been a member of a masonic lodge as far as I know. Nor could I reconcile such a thing with Dr. BUETEFISCH's general unpolitical attitude. The fact is that Dr. BUETEFISCH never mentioned anything of it to me. Also, I never saw him wearing an SS badge, let alone a uniform (as far as I know, he did not even wear a Party badge). Nor did he, as far as I know, in any other respect ever use a relationship with the SS, or even indicate the existence of such relations.

I do know, however, of various statements and actions of Dr. BUETEFISCH which were in opposition to measures based on the principles of National-Socialism, as for instance the persecution of Jews. As an example, I still remember the case of the analytical chemist Dr. Walter RAHMANN, a victim of racial persecution, whom he kept in his job with the Leuna plant as long as possible, endeavouring ceaselessly to find him a job abroad (with the Standard Oil in USA).

Rosenthal, 10 September 1947.

signed: Dr. Heinrich STROMBECK
(Dr. Heinrich STROMBECK)

Document Roster 247/47

I herewith attest the above signature of Dr. Ing. Heinrich STROMBECK personally known to me, resident in Rosenthal, house No. 249, such signature having been given in my presence.

Frankenberg/Edler, 12 September 1947

signed: Dr. Elisabeth RICHMANN

Notary-Public

Stamp:

Dr. Elisabeth RICHMANN

Notary-Public

Frankenberg/Edler.

Document Book IX BUSTEFISCH
BUSTEFISCH Document No. 186
Exhibit No.....

- 3 -

Computation of fee.

Value: up to 1000.-- RM

Fee as per articles 144, 39 of
Fee Regulations

RM 2.--

Sales Tax

0.06

RM 2.06

signed: Dr. RICHMANN

Notary-Public

Certified true and correct copy of document Bus 186

Nuernberg, 12 February 1948.

signed: Dr. Hans FLECHNER
(Dr. HANS FLECHNER)

Evangelical Parsonage
Leuna

Leuna near Merseburg

A f f i d a v i t.

Diary No.

I, Pastor Helmut ULBRICH, Leuna, Kirchplatz 1, have been warned that I render myself liable to punishment if I make a false affidavit. I declare upon oath that my statement is true and was made to be submitted as evidence to Military Tribunal VI, Palace of Justice, Muenberg, Germany.

Dr. Ing. Heinrich DUETZISCH, born on 24 February 1894, has been, ever since he started his employment with the Leuna works, on 1 Oct 1920, until his departure in May 1945, an active member of the evangelical congregation and has also done his utmost to promote the church work. During the time that the Church suffered greatly through attacks directed against her by the National Socialist Party and its freedom of action was impeded, Dr. DUETZISCH openly professed himself to be a member of the Church. His two daughters received religious instruction and were confirmed by me. I officiated at the wedding of the older daughter. Through my office I had social contact with Dr. DUETZISCH as well as with his family, and have also been informed by third parties that he used his influence to the benefit of the Church, whereas others thought it opportune, to disown the Church.

Leuna, 3 November 1947 sigd. H. ULBRICH, vicar
stamp: A mighty fortress is our God
Evang. Congregation Leuna

The above signature of Pastor Helmut ULBRICH, Leuna, Kirchplatz 1, was affixed before me, attorney-at-law Dr. Heinz REINTGES, at pres. Muenberg and is hereby certified.

Leuna, 3 Nov 1947

signed Dr. Heinz REINTGES
Attorney-at-Law.

Certified literal copy of the original Doc. No 150
Muenberg, 13 February 1948

signed Dr. Hans FLAETSCHNER
(Dr. Hans FLAETSCHNER)

A f f i d a v i t.

I, Dr. Friedrich RINGEL, resident in Fischbach near Heidenberg, district Bayreuth, have been warned that I am liable to punishment if I make a false affidavit. I declare upon oath that my statement is true and has been made in order to be submitted as evidence to the Military Tribunal, Palace of Justice, Nuernberg, Germany.

In April 1926 I joined the I.G. Until 1933/34 I worked in Ludwigshafen helping to develop the hydrogenation process and from 1932/33 until the outbreak of the war, dealt mainly with I.G. Farben agreements concerning oil. From 1940 onwards I was in charge of the office of the Department 'Mineral Oils' of the I.G.

I have known Dr. BUETEFISCH since 1929, from my frequent visits on duty to Leuna, and have since collaborated with him in an ever increasing measure. Since 1937/38 I have been one of his closest collaborators, as from this time onwards decisions regarding my then field of activity, namely the cooperation of the I.G. with foreign Oil Cos., lay in the hands of Dr. BUETEFISCH. Dr. BUETEFISCH was also in charge of the Department 'Mineral Oils', the centralizing office of which had been in my charge since 1940.

A closer personal relationship with frequent discussions which lay outside of professional interests developed from these years of cooperation; sometimes these discussions would also embrace political subjects.

I have never known Dr. BUETEFISCH otherwise than a person of the highest

(Page 2 of original)

integrity, loyal, and refusing to condone party-political methods of brute force employed either in public life or directed against economy. In choosing his collaborators, I believe, I can say that, according to my observations, Dr. BUEHLISCH never let himself be influenced by political considerations but merely by the abilities and the qualifications of the persons concerned. I myself have never been a member of the Party. My negative attitude, which created quite a lot of difficulties with regard to the exercising of my profession, was known to Dr. BUEHLISCH. However, he always used his influence on my behalf. Dr. BUEHLISCH always had full understanding for anyone speaking up openly and criticizing political measures sharply.

Only in 1945 did I learn of Dr. BUEHLISCH's membership in the party and that he was an honorary member of the SS. He never mentioned his membership in the party and I have never seen him wearing uniform or the party insignia. From the way he behaved, I had no reasons for concluding that he had close ties with the party and, as far as my observations go, I believe that he was never a convinced member. However, I knew that Dr. BUEHLISCH did have some connections with important party people such as, for instance, WIMMERSS, this fact was plausible and I regarded it as a necessary evil, as in his position and in order to carry out his tasks, such connections were inevitable and necessary. As a result of his connections I have often seen Dr. BUEHLISCH use his influence for the benefit of political persecutees or other persons who had difficulties with the party. I have, however, never had an opportunity to witness any events in which Dr. BUEHLISCH would represent himself as liaison officer of the SS.

(Page 3 of original)

in order to carry through party-political demands in the I.G. Mention of the "circle of friends" has been made once or twice in his office whilst I was present, but I was not interested to hear any more about it as this institution was unknown to me.

My statement regarding the loyal and, after all, quite unpolitical attitude of Dr. DUBETZISCH is not based only on personal conversations with him but on the actual execution of his professional tasks. During the course of the contractual collaboration of the I.G. with Foreign Oil Cos., i.e. my sphere of action until the outbreak of war, Dr. DUBETZISCH always pressed for a fair and loyal execution of all contractual agreements entered upon by the I.G. He thereby always aimed at a long-term policy and laid special stress on confident international cooperation, furthermore, striving especially to keep up his personal relations with the numerous foreign visitors. It is entirely due to his personal efforts that official demands and other internal German difficulties opposed to his cooperation could be overcome, and that the I.G. could carry out this collaboration loyally and was able to fulfill its contractual obligations. Even in 1939 two comprehensive agreements of the I.G. with a great number of foreign, mainly American Oil Co.'s were concluded under his direction. Only after years of collaboration between the contractual partners could one expect to derive any profits from those agreements obtained with so much difficulties.

(page 4 of original)

When, at the outbreak of war, I returned from a journey to the States and met Dr. BUETEFISCH again, I found him in an extremely depressed state of mind and complaining bitterly of the idiocy of waging war, the result of which he already then viewed with misgivings. Still in 1940, Dr. BUETEFISCH tried, much against the will of the authorities and fighting against heavy opposition, to be allowed to continue to exchange experiences with the Standard Oil Co. (N.J.).

During the further development of the war he always endeavored to deal with questions concerning former relationships with foreign contractual partners of the I.G. in a fair manner and to regulate all relevant matters in such a way that, after the conclusion of the war, a settlement without friction could be effected which would not damage the interests of former foreign partners.

Bayreuth, 20 Jan 1945

signed Dr. Friedrich RINGER

Doc. B. No. 105/1947

Certified true signature of

Dr. Friedrich RINGER,

Chemist in Fischbach, L.O. Weidenberg, District Bayreuth,
born on 13 Dec 1900 in Neumunster.

The affiant has been informed by me, Notary-Public as to the significance of an affidavit, and especially its legal consequences as well as its spiritual obligations. He was identified by his German identification papers bearing his photo, and made out by

Document Book IX BUTTEFISCH
BUTTEFISCH Doc. No. 251
Exh. No.

(Page 5 of original)

the Landrats office Bayreuth, dated 14 May 1947, No. D
555 468

Bayreuth, 20 January 1943

signed Dr. GEUEL

Notary

Dr. GEUEL, Notary

(L.S.)

200 4.- 74

tax -.12

Par. 39 KO.

- - - - -

Certified true copy of the original

Quernberg, 17 February 1943

signed Dr. Hans FLAEBISCHER

Attorney-at-Law.

A f f i d a v i t .

I, Dr. Kurt WISSE, of Monheim, Kapellenstr. 50, after having been duly warned that I render myself liable to punishment if I make a false deposition make the following declaration under oath, knowing that my statement will be submitted as evidence to the Tribunal No. 6 in Nuernberg.

1. I studied chemistry, and since 1925 I have been working in the chemical industry, especially in the field of Hydrogenation. Since 1938 I have been one of the members of the Vorstand of the Hydrierwerke Poolitz A.-G.
2. I have known Dr. Heinrich HUETEFISCH since 1925. Since 1930 and especially from 1937 to 1945 I have been in close official and personal contact with Dr. HUETEFISCH. I know therefore of his intrinsically opposing attitude towards National-Socialism and of the necessity of his joining the NSDAP at a later date solely for reasons of his exposed position, an unavoidable measure if he did not want to lose his business influence. Despite his outward membership Dr. HUETEFISCH has always declined to act contrary to his opinions or to keep silent when he felt bound to resist undue interference of the Party.
3. In my capacity of member of the Vorstand of the Hydrierwerke Poolitz A.-G. I had the opportunity to observe how the Party during the first years of the war tried to get seats on Aufsichtsrat of the Company so as to gain a corresponding influence. Thanks to Dr. HUETEFISCH's fearless demeanor at that time these endeavors

of the Gen- and Kreisleiter Stettin, Pommernia, remained unsuccessful. Notwithstanding the fact that he had to expect personal inconveniences Dr. HUNTFISCH rejected the demands brought forth by the NSDAP, also in writing, with the result that the Party was unable to have one of its members appointed to the Aufsichtsrat.

Monheim/Rhineland, 24 January 1948
Dr. W/H.

(signed): Dr. Kurt WISSEL

Certified true signature of Dr. Kurt WISSEL

Duesseldorf, 24 January 1948

(signed): Werner BROSS

(Werner BROSS)

Assessor

Assistant Defense Council.

Certified true copy of the above document:

Nuernberg, 18 February 1948.

(signed): Dr. Hans FLACHSMER
Attorney-at-Law

A f f i d a v i t .

I, Wilhelm von der HEIDE, Dr.ing., residing in Hannover, Vogel-
sang 22, after having been duly warned that I render myself liable
to punishment if I make a false deposition herewith declare under
oath that my statement is the truth and has been made to be submit-
ted as evidence before the Military Tribunal in the Palace of Justice
of Nurnberg.

I have known Dr. HUNTEFISCH since our joint school- and univer-
sity days, i.e. practically for 40 years. Ever since I have close
personal contact with him and - inasmuch as we both had the same pro-
fessional interests in the field of chemistry - I can testify to Dr.
HUNTEFISCH's professional attitude in general.

Dr. HUNTEFISCH was an analytical chemist by avocation and from
an inner calling and the occupation with the problems and tasks of
large-scale chemistry was his true life's work. This new basic atti-
tude brought him into the I.G. Dye-Industries which offered him the
fundamental scientific and technical prerequisites for the evolution-
ary work in modern chemistry. Dr. HUNTEFISCH must be regarded as one
of the leading experts in the field of the high-pressure synthesis
and it was therefore only natural that his advice and cooperation in
this field was more than often sought by official agencies.

When at the beginning of the war I was drafted into the Mineral-
Oil Department of the Army Office for War-Economy and Armament

in Berlin, I had many an opportunity for ascertaining that Dr. BUETEFISCH was guided in his work only by the aspect of factual and professional practicability.

This basic factual attitude was everywhere apparent in Dr. BUETEFISCH's life. He was not interested in political questions, not to mention the fact that he had no time left in his strenuous professional days' work to occupy himself with politics. When towards the end of 1938 he was compelled to join the NSDAP because of his leading position in the I.G. he always kept aloof on principle of political questions even then and he only came forth when it was up to him to fight against abuses or to lead to triumph the real issue in opposition towards men who were nothing but politicians and attached more value to the political than to the professional side of the issue. When his professional cooperation with SS-leader KRANEVUSS in matters of the REAR.G brought him into contact with SS circles, he told me in several lengthy conversations that he was unable to avoid those circles in the interest of his professional work and that he hoped to utilize the existing contact in the interest of the business. I have never seen Dr. BUETEFISCH in uniform or wearing the Party-badge and he told me also that he got exempted from having to attend party demonstrations of any kind. Moreover, I should like to emphasize his standpoint with regard to the Jewish problem, which was strongly opposed to the attitude of the Party. In keeping with his fundamental attitude he rejected unequivocally any kind of oppression for racial, religious or political

reasons and I know that, as before, he not only kept up his personal relations with Jewish friends and acquaintances up to the time of the collapse but that, moreover, in many cases he showed great personal courage in assisting people who, for the above reasons, had professional or political trouble.

Hannover, 7 February 1948.

(signed): Dr. Ing. Wilhelm v. d. REIDE
(Dr. Ing. Wilhelm v. d. REIDE)

True signature of Dr. Wilhelm von der REIDE.

Hannover, 7 February 1948

(signed): Hanne GIERLICH
(Hanne Gierliche)

Certified true copy of the above document;

Nuernberg, 14 February 1948

(signed): Dr. Hane PLACPSNER
Attorney-at-Law

A f f i d a v i t.

I, Dr. Matthias FIER, resident of Heidelberg, Heide-
Schlostr. 42, have been cautioned that I render myself
liable to punishment if I make a false affidavit. I de-
clare on oath that my statement corresponds to the truth
and was made to be submitted as evidence to Military Tri-
bunal VI in the Palace of Justice, Saarburg, Germany.

The staff of my associates included also Herr
Dr. DOWATH, whose father was a Jew. Under the law I was
bound to remove Herr Dr. DOWATH from the Ludwigshafen
plant. In the years between 1937 and the collapse I en-
countered in this matter the greatest difficulties from
Party quarters, which I best parried by contacting Herr
Dr. BUEPFISCH, and we both tried to find ways and means
to keep Herr Dr. DOWATH in his position. On this occasion
Herr Dr. BUEPFISCH paved the way to Herr KRUEFUS - who
was a member of the Vorstand of the Drunkoble German
Nationgesellschaft and, besides, held a higher rank in
the SS - and himself supported my case with Herr KRUEFUS.
Herr KRUEFUS' intervention with higher agencies which
was thus obtained, prevented Herr Dr. DOWATH's compul-
sory removal from his position. The attacks and thrusts
launched again and again to an ever increasing extent by
the Party against Herr Dr. DOWATH were neutralized by
unflinching remonstrances to Herr KRUEFUS, which Herr
Dr. BUEPFISCH repeatedly initiated and vigorously support-
ed. It was only by this procedure

(Page 2 of original)

that we finally succeeded in holding Herr Dr. DONATH
until the end of the war. *

I knew from rumors that Herr Dr. BUTTEFISCH, on the
instigation of Herr KRINZFUSS, had been bestowed a rank
in the SS. However, Herr Dr. BUTTEFISCH never told me
of this bestowal outwardly. At any rate, I myself was
ignorant of what rank he held and never saw him in uni-
form. At none of the proceedings and discussions known
to me, did he make any reference whatever to his member-
ship in the SS. To my mind his rank was a mere formality
and a mark of honor for his achievements in the field of
economics.

Heidelberg, 3 January 1948 signed Dr. Matthias FIEB
(Dr. Matthias FIEB)

I certify that the above signature was signed before
me today.

Heidelberg, 3 January 1948. signed Dr. Kurt HARTMANN
(Dr. Kurt HARTMANN)

- - - - -

I certify that this is a literal and correct copy
of the above document.

Mannberg, 16 February 1948 signed Dr. Hans FLATOWSKI
Attorney-at-Law.

Affidavit.

I, Frau Annemarie BUNNEN, resident of Leipzig 3 1, Langestr. 7, have been cautioned that I render myself liable to punishment if I make a false affidavit. I declare on oath that my statement corresponds to the truth and was made to be submitted as evidence to Military Tribunal No. VI in the Palace of Justice, Nurnberg, Germany.

I am the widow of the chemist Dr. Walter BUNNEN. Up to 1933 my husband was a chemist in the Leuna Werke. For racial reasons he had to give up his position in the Leuna Werke in October 1933, was arrested by the Gestapo in 1939 and was a victim of fascism in the Sachsenhausen Concentration Camp in 1940.

Herr Dr. Heinrich EUTENEISCH intervened for my husband at any time. In this connection I refer to the following details:

1. In spite of his knowledge of my husband's non-aryan descent, he kept him in his position in the Leuna Werke in the face of the strongest opposition up to October 1933.
2. Beyond that, he got him a position with the Standard Oil (N.J.) in the USA, in order to prevent him from being seized by the Gestapo and to protect him and his family against economic distress.
3. When in 1939, before his departure from Germany, my husband was arrested by the Gestapo, he continued making every effort to help him.
4. After my husband's death he prevailed upon the Leuna Werke to pay a pension to me, which I drew up to 1 May 1945.

Leipzig, 3 November 1947

signed Annemarie BUNNEN

I certify that the above signature is that of Frau Annemarie

(page 2 of original)

LAUBANN, Leipzig O L, Lanpestrasse 7, signed before me,
Dr. Heinz REINTGES, at present Nurnberg.

Leipzig, 8 November 1947.

signed Dr. Heinz REINTGES
Attorney-at-Law.

I certify that this is a literal copy of the document
Doc 153.

Nurnberg, 7 February 1948.

signed Dr. Hans FLECHSNER
(Dr. Hans FLECHSNER)

A f f i d a v i t.

I, Dr. Max STELTHOFF, resident of Leuna, District Merseburg, Liebigstrasse 3, have been cautioned that I consider myself liable to punishment if I make a false affidavit. I declare on oath that my statement corresponds to the truth and was made to be submitted as evidence to Military Tribunal No. VI in the Palace of Justice, Nuremberg, Germany.

1.) Since 1920 I have been a works doctor, and since 1941 chief physician of the Leuna works.

I have known Herr Dr. Heinrich BUEFFELFISCH since 1921, and since that time I have been a close friend of his so that I know him intimately.

We frequently discussed everything that affected us, hence also the National Socialist regime. In this Dr. BUEFFELFISCH always took a negative attitude. Above all, he condemned the methods of the regime, its attitude towards the Jewish problem - he was a declared opponent of anti-semitism - the attitude adopted in dealing with foreign slaves, the boss rule and in this connection in particular the German Labor Front's encroachment, biased and unjustified in his opinion, upon the economic enterprises. Furthermore, the suppression of the free expression of opinion.

2.) Dr. BUEFFELFISCH never believed that a war might break out. I remember repeated discussions with him and Dr. Christian SCHWEIDER, in the course of which Dr. BUEFFELFISCH always stressed his conviction that already for economic reasons any war was out of the question. When war actually broke out in 1939, Dr. BUEFFELFISCH was obviously surprised. Even then he held a pessimistic view with regard to the outcome of the war.

3.) After Germany's collapse (end of April and beginning of May 1945) I heard together with Dr. BUEFFELFISCH and other acquaintances, from the broadcasts of the "Voice of America", also of the conditions in the German concentration camps.

(page 2 of original)

When we also heard the first reports about the extermination of human beings and other atrocities in the Auschwitz Camp. Dr. BUETEFISCH commented on these news reports by saying that he considered such things impossible. I remember this very well because we had a lively discussion on this subject.

.) In spite of my close relations with Dr. BUETEFISCH I know nothing about his SS rank; this came to my knowledge only long after the collapse.

Leuna, 6 November 1947.

signed Dr. med. Max STELPHANN

I certify that the above signature is that of Herr Dr. Max STELPHANN, Leuna, Liebigstr. 3, signed before me, Attorney-at-Law Dr. Heinz REINTGES, at present Euerleben.

Leuna, 6 November 1947

signed Dr. Heinz REINTGES
Attorney-at-Law.

I certify that this is a literal copy of Document Doc 147.

Euerleben, 13 February 1947.

signed Dr. Hans FLATHEMER
(Dr. Hans FLATHEMER)

Affidavit.

I, Hermann ZEILER, Leuna, District Merseburg, Grashoffstr. 7, have been duly informed, that I render myself liable to punishment if I make a false statement. I declare under oath that my statement corresponds to the truth and is made in order to be submitted as evidence to the Military Tribunal No. VI in the Palace of Justice, Nuernberg, Germany.

1.) Since 1922 I have been employed in the Leuna plants and since 1926 I have worked for Herrn Dr. BUETEFISCH. On the basis of this employment I got to know most of the business and also personal affairs of Herrn Dr. BUETEFISCH.

2.) About 1939 an SS-rank was conferred upon Herrn Dr. BUETEFISCH. He was not promoted in the following years as is the usual procedure of seniority.

This SS-rank, as far as I could observe, was considered by him as a purely formal matter, I have never seen him in a uniform and as far as I know, he did not even possess uniform. It has also never become known to me, that he performed any duty in the SS. The fact that Dr. BUETEFISCH had an SS-rank was therefore never apparent in Leuna and was generally unknown there. I also have never observed that Dr. BUETEFISCH in any way made use of his SS-rank in public.

3.) Since 1939 Dr. BUETEFISCH had been invited to the so-called Keppler-circle, also called "HIMMLER's circle of friends." As far as I know, he frequently did not go to those meetings and did not attach any particular importance to them, as I could gather from occasional remarks. In many cases he was prevented through his frequent trips to be present on those evenings and even whilst he was in Leuna, he often told me to send his regrets.

- 4.) During the years of my employment in the Office of Dr. BUETEFISCH I often had the opportunity to discuss with him political questions. Dr. BUETEFISCH, who knew of my Marxistic convictions, often criticized the excesses of National Socialism and also the statements of his Fuehrer and in particular voiced his criticism against the military plans of aggression.

The Party-membership, effected only in 1938, Dr. BUETEFISCH considered as an affair that was recorded on paper only. He definitely never took part in any Party-meetings and I had the permanent order to excuse his absence on the basis of official business.

In various cases Dr. BUETEFISCH helped people who were politically persecuted or in danger. He also has often tried to help political prisoners to regain their freedom. Such cases were for instance Dr. Hans BAUMANN in Leuna, Dr. Walter JAKOBI in Berlin, both of them Jews, and Edward Schaumburg in Leuna.

Leuna, 7 November 1947

sgd. Hermann SEILER

The foregoing signature of Herr Hermann SEILER, Leuna, Grashoffstr. 7, has been given before me, Attorney Dr. Heinz REINTGES, at present Nuernberg, and is herewith certified and attested to by me.

sgd. Dr. Heinz REINTGES
Attorney-at-law.

This is a correct copy of the Document Bue 137

Nuernberg, 16 February, 1948.

sgd. Dr. Hans FLAETSCHNER
(DR. HANS FLAETSCHNER)

Affidavit.

I, Hildegard KUNTZE, née NAUMANN, residing in Bad Sachsa/Suedharz, Bismarckstrasse 12a, have been duly informed, that I render myself liable to punishment if I make a false statement. I declare under oath that my statement corresponds to the truth and is made in order to be submitted as evidence to the Military Tribunal in the Palace of Justice, Nuernberg, Germany.

- I. I was born in Potsdam on 28 April 1908. Since 1 February 1937 I was employed by the I.G. Farben Industry in Berlin NW7, and since 1 January 1939 as secretary to Dr. Heinrich BUETEFISCH. In this capacity I worked until the end of the war in 1945. The official and personal affairs of Herr Dr. BUETEFISCH during that time, even as far as they were of a confidential character, are well known to me.
- II. The fact, that Dr. BUETEFISCH had an SS-rank became known to me only in 1942 or 1943 by accident through a letter, which was advanced to him. (I believe, it concerned an invitation to the so-called Circle of Friends of the Reichsfuehrer-SS). I voiced my surprise whereupon Herr Dr. BUETEFISCH made the remark, implying that he considered the SS-rank as a mere formality. The SS-rank of Dr. BUETEFISCH, which would have remained unknown to me without the aforementioned chance occurrence, has never to my knowledge been known in public. During all the years I worked for Dr. BUETEFISCH I have never seen him in an SS-uniform or even wearing an insignia. I also never observed that he ever made any use of his SS-rank either officially or privately. The fact that Dr. BUETEFISCH had an SS-rank I could explain at that time only, that it had been the result of his connection with SS-Oberfuehrer KRAEPELUS, with whom

(page 2 of original)

he worked together on the Vorstand of the Brabag.

III. I know that Dr. BUETEFISCH occasionally took part in the meetings of the so-called Circle of Friends of the Reichsfuehrer-SS. The meetings did not take place regularly but an invitation was issued every time by telephone or by letter through the office KRANEFUSS. Dr. BUETEFISCH ordered me many times to decline the invitation for him. In so far as Dr. BUETEFISCH took part in the meetings, it happened mostly because of the particular insistence of KRANEFUSS who sometimes had several telephone calls put through to Dr. BUETEFISCH in this matter. The course of these meetings was described to me by Dr. BUETEFISCH to the effect, that they would only eat and drink there and sometimes tell each other dirty jokes. I therefore had the impression that the meetings were of no importance and of a purely social character.

IV. During the 6 years of my employment with Dr. BUETEFISCH I gained the impression that he had little interest in the political questions of the day. He was only interested in his scientific and economic work. In view of this attitude he did not attach any importance whatever to the question, whether his co-workers were members of the Party or not. On the contrary, he disliked very much to see his co-workers take part in politics. For instance, when the employees of his office were ordered to take part in political meetings he would oppose such demands by referring to urgent work in the line of duty with the result that the employees of his office would nearly always stay away from the meetings.

Dr. BUETEFISCH's objective attitude placed him frequently in a criticising and opposing relationship to the National Socialistic regime. I remember

(page 3 of original)

a few occasions when he voiced his rejection of measures of the National Socialist State and the party quite frankly and sharply. In view of these observations I could not understand until the very end the SS-rank of Dr. BUETEFISCH.

Bad Sachsa, 13 October 1947

signed Hildegard KUNTZE

(Hildegard KUNTZE née
NAUMANN)

signed née NAUMANN

Forgoing signature of Mrs. Hildegard KUNTZE, divorced, née NAUMANN in Bad Sachsa, Bismarckstrasse 12a, known to me personally, given before me to-day is herewith certified.

Bad Sachsa, 15 October 1947

signed Dr. Gerhard LOHOFF

Notary.

Number 356 of the Document Register for 1947.

Fees: (value: 3.000.- RM)

in accordance with regulation dated 30 October 1946

Certification fee

4.-- RM

Stamp:

Turnover tax

- .12 "

Dr. Gerhard

4.12 RM

LOHOFF

=====

Notary in
Bad Sachsa

The Notary:

signed Dr. LOHOFF

This is a correct copy of the Document Buc 143.

Muerenberg, 16 February 1948

signed: Dr. Hans FLAETSCHNER

(DR. HANS FLAETSCHNER)

Licensed
Engineer (Dipl.-Ing.) Georg CRUZL
Telephone 07576
Postal Checking Account: Hannover 71214
Bank account: Saving Bank of the
Hauptstadt Hannover 8690

ISENHAGEN N.B.
ueber Hannover, 26 Jan. 1943
in Eichholz 21

A F F I D A V I T

I, Georg CRUZL, residing in Isernhagen/Hannover, in Eichholz 21 know that I am liable to punishment if I make a false affidavit. The following statements are made for the purpose of being submitted to the Military Tribunal in Muenberg, Germany, and I declare that my statements are true.

I am working as Referent with the Minister of Lower Saxony for Labor, Reconstruction and Health - at the District Board for the Direction of Public Constructions (Landesbauleitungsbauamt) in Land Hannover. I have known Doctor BUSTEFISCH for more than 30 years, our families are in friendly relations with each other; thus I had an opportunity to get informed about his activity and also his political attitude. For many years Dr. BUSTEFISCH has been working for the I.G. as analytical chemist, so far as I know, in the field of mineral oils, and thus held a responsible position. I have no knowledge of any political activities of Dr. BUSTEFISCH; his work would hardly have left him time for such activities. On the other hand I know definitely that he was strictly opposed to the racial principles of National Socialism; this is proved by the fact that he continued our friendly relations and repeatedly visited my family, for the last time at the beginning of the war, about in 1940. My wife is Jewish and under the National Socialist regime it was dangerous to associate me or

(page 2 of original)

my family,

Should farther information be desired, I am at your disposal.

signed: Georg CRUEL.

No. 18 of the document register

Year 1948

I herewith certify the above signature given by licensed Engineer
(Dipl. Ing.) Georg CRUEL in Isenrothen N.B., Im Michholz 21.

Hannover, 28 January 1948

(signed) Dr. GIESSECKE.

Notary public.

(Seal)

Computation of fee.

Value: RM 3000

Fee Articles 26, 39 EMO
Sales tax

RM 4.-

" - .12

RM 4.12

signed: Dr. GIESSECKE
Notary public.

I certify that this is a literal and correct copy of the
above document.

Nuernberg, 16 February 1948.

signed: Dr. Hans FLIESCHNER
Attorney-at-Law.

A F F I D A V I T

I, Martha LINDEMIR, Leuna, District Merseburg, club house, have been warned that I am liable to punishment if I make a false affidavit. I declare on oath that my statements are true and were made in order to be submitted as evidence to the Military Tribunal No. VI in the Palace of Justice in Nuernberg, Germany.

I have been employed in the club house of the Leuna plant since 1927; since 1928 it has been my duty to cater there for the guests of the plant. As a result of this work which I did for several decades I became well acquainted with the business and private attitude of most of the gentlemen of the Leuna plant and also gained a good insight into the conditions in Leuna in general.

I have known Dr. Heinrich BUSTEFISCH since 1921. During this whole period he never appeared in Party politics. He kept completely aloof from Party meetings which were held, almost without exception, in the club house. I have never seen him wearing any political badge, let alone a uniform. They called him in Leuna "the unpolitical BUSTEFISCH".

As I know from the statements of many employees of the Leuna plant, Dr. BUSTEFISCH was popular because of his social attitude and behavior and his great readiness to help. Whoever was in need of help whatsoever could turn to him.

Leuna, 8 November 1947.

signed: Martha LINDEMIR

I herewith certify and testify that the above signature of Frau Linde-
Martha

(page 2 of original)

LINDNER, Leuna, District Merseburg, club house, was given before me,
Attorney-at-Law Dr. Heinz REINTGES, (at present in Nuernberg).

Leuna, 8 November 1947.

signed: Dr. Heinz REINTGES.

Attorney-at-Law.

This is a literal copy of document Bue 155

Nuernberg, 10 February 1948.

signed: Dr. Hans FLAEGENHILF

(Dr. Hans FLAEGENHILF)

AFFIDAVIT

I, the undersigned, Captain (ret.) Gottfried GRIEBEL, residing at Bad Mander on the Deister, Am der Ziegelei 11, have been warned that I render myself liable to punishment if I make a false declaration under oath. I declare under oath, that my statement corresponds to the truth, and that it was made to be submitted as evidence before the Military Tribunal Palace of Justice, Muenberg, Germany.

From 1937 to 1943 I was chief of the Mineral Oil Group in the Raw Materials Division of the Defense Economy Office in the OKW, and from 1937 to 1943 chief of the Mineral Oil Department which had branched off from the Raw Materials Division in the Defense Economy Office.

I can say the following about Herr Dr. BUSTEFISCH's political attitude on the basis of my official contacts with him following the outbreak of the War:

It has never come to my knowledge that Dr. BUSTEFISCH ever had anything to do with the SS. Nor did I have any knowledge of an honorary rank having been awarded to him. To me Dr. BUSTEFISCH never made any mention about it. Neither his behavior, nor outward signs, nor his statements during negotiations gave slightest indications of such connections. I know of his acquaintance with Herr KRANFUSS. I also know Herr KRANFUSS, who was in the Vorstand of the Drabag, an organization including 3 hydrogenation works and one synthetic plant, with which my office and myself often had to deal. KRANFUSS

appeared to me to be an economist with sensible tendencies, although I know that he was a higher SS-fuehrer. BUSTEFISCH's acquaintance with KRANZFUSS for that reason was nothing startling for me. Since Herr Dr. BUSTEFISCH was likewise member of the Vorstand of Erabag, a fact which I learned only subsequently, this acquaintance appeared only more plausible to me. In Herr Dr. BUSTEFISCH I have at all times ascertained a particularly objective behavior and a vast technical professional knowledge. I have never noticed, that Dr. BUSTEFISCH was politically active in any way.

Muenberg, 12 February 1948

signed: Gottfried GRIBBEL
(Gottfried Griebel)

The above signature given before me of Herr Gottfried GRIBBEL, residing in Bad Muenster am Deister, Am Her Ziegeldel 11, is herewith certified.

Muenberg, 12 February 1948

signed: Dr. Hans PLATZ-SCHL
(Dr. Hans Platzsch)

Certified true and correct copy of the above document.

Muenberg, 16 February 1948

signed: Dr. Hans PLATZ-SCHL

Attorney-at-Law.

AFFIDAVIT.

I, Dipl.-Ing. Karl WÄHLDER, Leuna District Merseburg, Astenwegl,
have been warned that I render myself liable to punishment if I
make a false declaration under oath. I declare under oath, that
my statement is the truth, and that it was made to be submitted
as evidence before Military Tribunal No. VI, Palace of Justice,
Munich, Germany.

I have known Herr Dr. JUSTEFISCH since he moved to Leuna in 1930.
In the course of the years¹/came to know him better, and up to 1943
I have often been together with him officially and privately.

Herr Dr. JUSTEFISCH was the technical manager of the Leuna Works.
He also took an interest in the technical tasks within my domain,
namely, the sphere of power economy, and he furthered and supported
them considerably. In keeping with the customary practice he did
not concern himself with the technical execution of the details.
Other officers in the plant were competent for these tasks, as well
as for the allocation of manpower.

In occasional official conferences as well as in private meetings,
Herr Dr. JUSTEFISCH often criticized Hitler and his responsible men
and described their decrees as incompetent and destructive, as,
for example, the measures against the Jews, the slandering of foreign
statesmen and the external political tensions caused thereby.

The fact that Dr. JUSTEFISCH had an SS-commission was not known to
me. My attention was first called to it in 1946 through newspaper
accounts.

Leuna, 8 November 1947.

Signed: Karl WÄHLDER

The afore-going own signature of Herr Dipl.

Ing.Karl WAELDER, Leuna, District Merseburg, Asternwegl,
was given before me, Dr.Heinz ABINTGES, Attorney-at-Law,
at present in Muerenberg, and is herewith certified and attested
by me.

Leuna, 8 November 1947.

Signed: Dr.Heinz ABINTGES

Attorney-at-Law

This is a true and correct copy of the Document Duo 154,
Muerenberg, 10 February 1948.

Signed: Dr.Hans FLAEGESNER
(Dr.Hans Flaechenor)

Wilhelm BRUMMER
CDU Deputy for the
Provincial Diet
in the District of Teltow

Rengsdorf, 22 November 1947
Winterfeld-Allee 1201

Affidavit.

I, Wilhelm BRUMMER, Rengsdorf near Berlin, Winterfeld-Allee 1201, have been warned that I render myself liable to punishment if I make a false affidavit. I declare under oath that my statement corresponds to the truth and is being made in order to be submitted in evidence to the Military Tribunal VI in the Court House Nuremberg, Germany.

- 1.) I was born in Berlin on 18 March 1893 and have been employed as a commercial clerk in the Leuna works of the I.G. Farbenindustrie A.G. from 1919 until 1940. I am half Jewish and, on the occasion of a house searching in 1940, I was arrested by the Gestapo (under the Pretense that I was a full Jew). After 5 weeks detainment in the police prison in Halle/Seale I was released but was not allowed to resume my activity in the Leuna works.
- 2.) I have personally known Dr. Heinrich BUSTEFISCH and his family since my moving to Leuna in 1932. His daughter Jutta BUSTEFISCH was a schoolmate of my daughter Renate and frequented my house until I left Leuna in 1941. I never have known of any sign that the BUSTEFISCH family held National Socialist views. I therefore was extremely surprised when recently I heard of an SS-rank of Dr. BUSTEFISCH.
- 3.) When it became known in Leuna that I was half Jewish and the Gestapo bothered me, I and my family were proscribed in Leuna. Most people did not want to know us any more and did not greet us any longer. Even our best friends did not dare to enter my house.

- 2 -

Also the large circle of my daughter's girl friends decreased considerably. Only a very few continued to be friendly with my daughter; amongst them there also was the daughter of Dr. BUEFENISCH. Considering the general pressure which at that time was exercised by the National Socialists, and Dr. BUEFENISCH's position in the Leuna works, it was surprising that he should continue to allow his daughter to be friends with my daughter. Considerable courage was required for such a behavior which showed a non-National Socialist attitude.

- 4.) The board of managers of the Leuna works, of which Dr. BUEFENISCH was a member, tried to keep me in my position there as long as possible, but they were powerless in front of the Gestapo's omnipotence. Although I had to be dismissed without notice, the Leuna works still paid me the salary for my lawful term of notice; also the total expenses for my removal were granted to me by the board of managers. This shows that the gentlemen of the board surely did not hold anti-semitic views.

signed: Wilhelm BRUNGER

No. 354, year 1947 of the notarial register.

The above signature of the merchant Wilhelm BRUNGER residing in Rangsdorf, District Teltow, Winterfeld-Allee 1201, given in my presence, is hereby certified.

Rangsdorf, 22 November 1947.

signed: Dr. Gustav ASSMANN
Notary

Stamp: Dr. Gustav ASSMANN
Notary in Rangsdorf.

Minimum fee 2.-- RM
signed: Dr. ASSMANN
Notary

Document Book IX BUETEFISCH
BUETEFISCH Document No. 151
Exhibit No.....

This is a true copy of document

Bue 151

Nuernberg, 13 February 1948.

signed: Dr. Hans FLAEBENER
(Dr. HANS FLAEBENER)

Affidavit.

I, Dr.-Ing. Paul KOPPE, chemist in Leuna, Uferstrasse 11, have been warned that I render myself liable to punishment if I make a false affidavit. I declare under oath that my statement corresponds to the truth and has been made in order to be submitted in evidence to Military Tribunal No. VI in the Court House Nuernberg, Germany.

Although I live in the same road as Dr. Heinrich BUETEFSCH, only two houses distant, although I had frequent contact with him in the course of my work and regularly met him in the bowling club, I never noticed or heard anything to the effect that Dr. BUETEFSCH was a member of the SS or held a rank in it or even only maintained relations to it. Neither have I ever seen Dr. BUETEFSCH in SS- or any other party uniform in the street or at official celebrations; neither have I ever heard anything to this effect. Only in 1947 did I hear about Dr. BUETEFSCH's relations to the SS.

Leuna, 26 August 1947

signed: Paul KOPPE

The above signature of Dr. Ing. Paul KOPPE, Leuna, Uferstrasse 11, recognized by me, has been given here in the presence of me, Attorney-at-Law Friedrich SILCHER, Berlin-Zehlendorf, Hermannstr. 2, and is hereby certified and attested to.

Leuna, 26 August 1947.

signed: Friedrich SILCHER
Attorney-at-Law

This is a true copy of document

Bue 145

Nuernberg, 13 February 1948.

signed: Dr. Hans FLACHSNER

(Dr. HANS FLACHSNER)

Affidavit.

I, Dr.-Ing. Hermann KLEINBOEHL, retired Government building contractor, residing in Goettingen, Kapplerstrasse 24, have been warned that I render myself liable to punishment if I make a false affidavit. I declare under oath that my statement corresponds to the truth and is being made in order to be submitted in evidence to the Military Tribunal in the Court House Nurnberg, Germany.

1) I was born on 5 November 1883 in Frankfurt/Main. After a longer period of practice I got a job in the Badische Anilin-Soda-Fabrik Ludwigshafen in 1917. In 1918 I was transferred as manager to the Leuna Werke in Merseburg where I was employed until 1934; my last position was that of a manager of the section for construction and of deputy manager of the section for machinery. From the year 1929 I was entrusted with organizational work.

I have known Dr. Heinrich BUETEFSCH since 1921. Until the end of the war in 1945, I maintained constant professional and personal contact with him. Also our families maintained close social contact.

2) Dr. BUETEFSCH is not a political personality. He has devoted his life to technical sciences, particularly research in new fields, and to the organizational development of the domains entrusted to him. His successes in these fields he has attained through unstinted effort and outstanding capacity.

Dr. BUETEFSCH held an indifferent attitude towards the National Socialist movement. His joining the party in 1938 was prompted by purely professional considerations. He maintained the non-political manner of his actions after this step as well as before. Wherever he met abuses of the National Socialist regime

- 2 -

he openly expressed his opinion on them. He also always had an understanding for criticism of National Socialism which was made by other persons. The decisive factor for him always was the actual work, in comparison with which political considerations had to disappear.

3) Dr. BUETEFSCH who, in the course of time, was called to leading positions in industry, in this way met many important personalities of economy and state. Amongst others he also was active as technical consultant member of the Vorstand of the Braunkohle-Benzin A.G. where he met the Vorsitzter of the Aufsichtsrat KEPLER and the member of the Vorstand KRANZFUSS, both of whom were higher SS-leaders. In 1939, on the initiative of KRANZFUSS, BUETEFSCH was given an SS-rank and, later on, was invited into the so-called circle of friends of KEPLER. Dr. BUETEFSCH told me about this in 1939 and remarked that he was not pleased about it but could not refuse it completely; but he hoped that he might perhaps be able to render more assistance to politically persecuted persons with the help of these acquaintances. As far as I know, Dr. BUETEFSCH never made any exterior use of his party membership and of the SS-rank conferred on him. His rank in the SS never appeared at all. Dr. BUETEFSCH never did any actual duty in the SS. As far as I know he did not possess an SS uniform for I never saw him in a party uniform or with SS- or party insignia.

4) I have not been a member of the NSDAP myself and before 20 July 1944, upon request by the Fulda group of the

- 3 -

resistance movement, I declared my willingness to take over an office.
Goettingen, 18 October 1947

signed: Hermann KLEINBOEHL

(Hermann KLEINBOEHL)

No. 586 of document roll 1947

The above signature of Dr. Ing. Hermann KLEINBOEHL, residing in
Goettingen, Kapplerstrasse 4, identified by identification card AG
No. 262 614 (GAB) issued by the city of Hannover, given this date in
my presence, is hereby certified by me.

Goettingen, 18 October 1947

signed: Dr. Hans GOERNER

Notary.

Seal: Dr. Hans GOERNER

Notary in Goettingen.

Fees:

Value according to art. 24 RMO 3.000.-- RM

1.) Fee articles 39, 144, 26 RMO. 1/4	4.-- RM
2.) Turnover tax articles 139, 144 RMO. 3%	0.12 RM
total	4.12 RM

The Notary: signed: Dr. Hans GOERNER

This is a literal copy of document

BUETEFISCH No. 142

Nuernberg, 17 February 1948.

signed: Dr. Hans FLECHSNER

(Dr. HANS FLECHSNER)

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Affidavit.

I, Dr. phil. Karl SCHULZ, resident of Rio de Janeiro, Brasil, Avenida Rui Barbosa 314, apartamento 801, have been cautioned that I render myself liable to punishment if I make a false statement on oath. I declare on oath that my statement is true and has been made in order to be submitted as evidence before the Military Tribunal, Palace of Justice, Nuernberg, Germany.

1.) I was born on 26 November 1902 at Nuernberg as the oldest son of the then Assistant at the Germanic Museum, Nuernberg, Dr. phil. Fritz Traugott Johann SCHULZ and his wife Rosalie Emilie Franziska SCHULZ, née BARSCHTEL. Having gone through elementary school and high school (Humanistisches Gymnasium) at Nuernberg, I took up studies in chemistry at Erlangen University under Privy Councillor Dr. Max BUSCH, and on 10 November 1927 I took my Ph. D. degree. I stayed on at the University till 1 June 1929 as Assistant to my teacher and then joined the I.G. Farbenindustrie A.G., being first employed at the plant at Ludwigshafen on the Rhine and from 1 November 1929 on at the Leuna-plant. As I am going to explain in more detail in the following, I went to Brasil in 1937 where I established my permanent residence in 1938. Since 1940 I have been married to Cíclia de Castro, a native of Brasil. Having lived in Brasil for 10 years, I am now about to acquire Brazilian citizenship.

2.) At the end of the year 1936 I was denounced, in connection with my divorce proceedings

(page 4 of original)

to the Police in Louna, as entertaining relations with a Jewish lady at Halle. Thereupon I was repeatedly interrogated by the Criminal Police in Merseburg. The works management, Louna, was also informed by the Police, as the first interrogation, immediately after the denunciation took place in my office at the plant.

In this difficult situation I turned for support to Dr. BUSTEFISCH. Dr. BUSTEFISCH gave me his support at once and successfully so. First of all, he had me transferred to Berlin. It was due, in the first place, to his decisive intervention in my behalf, which did not fail to register with the Criminal Police, that my case was not, as was usual otherwise, handed on to the Gestapo but merely to the Office of the Public Prosecutor where it was closed. These details are not known to Herr Dr. BUSTEFISCH. I was told of them confidentially by the criminal inspector in charge of the investigation.

Since, however, I had to expect that the denunciation would be repeated, I did not feel safe any longer in Germany and asked Herr Dr. BUSTEFISCH to give me the opportunity to leave the country. In this respect too, I was helped at once. Using all the influence of his person, Dr. BUSTEFISCH got me the job of technical adviser with the firm representing us in Brazil, the Aliança Comercial de Anilinas Ltda. of Rio de Janeiro. I left Germany on 1 September 1937.

(page 3 of original)

3.) after a stay of 8 months in Brasil, I decided to stay in that country permanently. Thinking that in the meantime my "case" had passed into oblivion, I sailed from Rio de Janeiro to Hamburg on 11 June 1938, in order to settle my private affairs in Germany. When I arrived in Hamburg, I learned that again a charge had been filed against me. This time, the charge had been addressed to the management of the I.G. Farbenindustrie A.G. in Berlin whose duty it was to hand it on to the Gestapo. Luckily, this report got into the hands of Dr. BUNTEFISCH who retained it, thus preventing it from being handed on. Intervening so determinedly in my behalf, he obliged persons who knew of this matter to keep it secret.

The story had, however, leaked out, and my life was no longer safe in Germany. To leave Germany was possible only by order and in the name of the firm. Thus, I turned again to Herr Dr. BUNTEFISCH. Again he intervened in my behalf, and so I succeeded, on 24 November 1938, to leave Germany, this time for good.

As the preparations for my emigration dragged along and seemed unbearable to me, I repeatedly bothered Dr. BUNTEFISCH. At one of these meetings, it was at Weesburg, he told me, somewhat indignant because of my constant prodding: "Do have some patience; I am doing all I can, don't I? Do you by any chance think, you are the only one who wants to get out of here? It is a pity, all of us can't go to Brasil. anyhow, you are extremely lucky to get out of here."

I have remembered these words all the time.

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4.) In the course of the repeated interrogations at the Criminal Police, Merseburg, in 1935, it was indicated to me that the Race Defilement was the principal and most important law of the Third Reich and that a person knowing of a violation of it and not reporting that fact at once rendered himself liable to punishment just as much as the perpetrator himself. Herr Dr. EUSTEFISCH who, knowing of the facts I was accused of, gave me twice the opportunity to leave Germany, therefore has twice violated the Law of Race Defilement. I have no doubts that, in doing so, he has saved my life twice.

5.) I, personally, was in opposition to National-Socialism right from the beginning. My father, until 1933 Chief Curator of the Germanic Museum and Director of the Arts Collection, Muernberg, was, on assumption of power by National-Socialism, deprived of these offices as a democrat of old standing, arrested and released only after a lengthy trial, during which nothing could be proved against him, and then pensioned off compulsorily. Because of my opposition right from the start and because of all my later experiences, I have never belonged to any organization of the National-Socialist Party.

OF Herr Dr. EUSTEFISCH I knew, because of the long years we had worked together, that he was in full agreement with me in this negative attitude towards the Nazi-Regime. Otherwise, I should surely not have turned to him when I was seeking help in my desperate situation, and, much less so, would he have helped me twice in such an unselfish manner as I

(page 5 of original)

have described, exposing himself to the most severe personal risks in the face of the Nazi regime.

5.) I have put down on paper the above events, which took place about 10 years ago, because I remember them exactly, being partly supported by notes in my diary. They represent the pure truth.

Rio de Janeiro, 29 September 1947.

signed: Dr. Karl SCHULZ
(Dr. Karl SCHULZ)

I, President of the Senate, retired, Adalbert JOPPICH, at present Nuernberg, Siegmundstr. 37 have full command of the Portuguese and German languages, spoken and written, and I certify that the above is a true and correct translation of the statement of Dr. Karl SCHULZ, dated 29 September 1947, from the Portuguese into the German language.

Nuernberg, 9 February 1948

signed: Adalbert JOPPICH

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Note: Pages 31 to 34 original affidavit in Portuguese.

Document Book IX BUSTEFISCH
BUSTEFISCH Doc. No. 157
* Exhibit No.

(bottom of page 64 of original)

This is to certify that this is a true and correct copy
of the above document.

Nuernberg, 23 February 1948.

signed: Dr. Hans FLASCHNER
attorney-at-law

Affidavit

I, Hugo STIMMENS, residing in Muehlheim-Ruhr, Bismarckstr. 32, have been warned that I render myself liable to punishment if I make a false declaration under oath. I have never been a member of the Party. I declare under oath, that my statement is the truth and that it was made to be submitted as evidence before Military Tribunal IV, Palace of Justice Naernberg, Germany.

As I have already remarked in another affidavit, I first met Dr. BUSTEFISCH, as far as I recollect, in 1935 on the occasion of an exchange of ideas about our coal refining process. The conversations growing out of these negotiations occasioned more frequent meetings with Dr. BUSTEFISCH, and because of our common interests in the domain of mineral oils, I remained in constant touch with him to the end of the war. For this reason, I consider myself qualified to pass judgment on the basis of my impressions on the inner attitude of Herr Dr. BUSTEFISCH toward National Socialism. I have always judged a man from my impression of him as a whole and from his attitude. Thus, I did not ask Herr Dr. BUSTEFISCH, first of all, whether he belonged to the Party, or whether he paid contributions to a formation, or whether he had been honored in any other manner by any unit of the Party whatsoever. I know that this was often prescribed by local conditions or by other professional considerations. Through my conversations I soon learned to know who

(page 2 of original)

Herr BUSTEFISCH was. I have often talked with him about things, which I only mentioned to people of whom I knew that they thought as I did, and that they did not judge the political and economic situation other than I did.

I consider myself duty-bound to adduce the following facts as example and evidence of the inner fundamental position of Herr Dr. BUSTEFISCH:

In the repeated conversations with Herr Dr. BUSTEFISCH prior to the war, we expressed our agreement in the hope that the technical problems were not to be rushed in their application to industry; both of us considered an over-taxing of the economy, as a whole, harmful. I cannot recall a single statement of Herr Dr. BUSTEFISCH from which one could deduce that he had a positive attitude toward the preparation for a war of aggression. On the contrary, I have always ascertained a sensible attitude toward economic problems in Herr Dr. BUSTEFISCH, and in this connection, it always came to the fore again and again, that he was a typical representative of free enterprise, who stood for international understanding in the technical sphere and thus stood in a glaring contrast to the National Socialist conception of economy.

During our conversations in the course of the war, the discussion often turned to the employment of foreign workers and to their billeting, feeding, and treatment. Herr Dr. BUSTEFISCH always agreed with me, that it was self-understood

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to exert the same efforts on behalf of orderly and decent treatment for his foreign workers, irrespective of their origin, as for the German fellow-employees. As far as I remember, Herr Dr. BUSTEFISCH has repeatedly mentioned in this connection that the I.G., and thus also Herr Dr. BUSTEFISCH, have done everything within their sphere of influence to improve the situation of the foreign workers constantly. During 1943 and 1944, when air-raid shelters of large dimensions had to be erected against the increasing air-attacks, we both were in agreement about the building of such shelters for foreign workers, irrespective of what approvals were given, and to what extent the materials and the labor-power, needed for the construction of these shelters, handicapped the rest of production.

An additional example for the attitude of Herr Dr. BUSTEFISCH may be gathered from the following: The fact that the plant Jellheim put to application the high pressure-process of the I.G. in one section, made it mandatory to install proper expert employees. For this purpose, I.G. Farben placed the chief chemist and an experienced high pressure Oberingenieur (Senior engineer) for the supervision of the mechanical engineering at our disposal. Both men were certainly efficient as chemist and engineer, and they brought a great deal of operational experience with them. However, in the course of the years, it became apparent that neither of them agreed with us in their political views in any way. I even had cause to watch myself with regard to critical statements in their presence, a thing which I did not experience with my other co-workers. During the war I spoke quite openly with Herr Dr. BUSTEFISCH on the matter. He did not know

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the political views of these men, but he immediately declared himself ready to withdraw the chemist. The engineer was reprimanded, and he did not get the promotion which he had thought up in his imagination. It would have been impossible for me to talk openly about these things with Herr Dr. BUSTEFISCH, let alone get rid of the plant manager if his inner attitude toward the Party and toward politics had, to say the least, not coincided in a far-reaching manner with my attitude of rejection.

As an example of the loyal behavior of the I.G. Farben as business-partner towards myself, always represented, along with others, by Herr BUSTEFISCH, I must yet state the following:

Mathias STILES was unrestricted in the sale of all products turned out at Welheim with the exception of the limitations resulting from the agreement. The I.G. Farben was aware of the fact, that, in the course of years, competition with direct I.G. manufacture in the most varied fields, could and would result. The competition in gasoline and oil was already present, since the STILES enterprise had commenced with the setting-up of an own sales organization and refused collaboration with every other company. The rejection of syndicates and cartels went so far in the STILES enterprise, that in 1941 it put through with difficulty its separation from the Benzolverband in order to be able to handle the benzol sales through its own organization. At no time did Herr Dr. BUSTEFISCH make the attempt to exert pressure on the STILES enterprise to eliminate competition. The conversations which

(page 5 of original)

were held about local cooperation in this or that office under conditions of complete equality of collaboration meant at no place the basic discontinuance of the maintenance of sound competition.

It is known to me that Herr Dr. BUSTEFISCH was also chief of the Economic Group Fuel Industry. I must emphasize that, according to my observations, the management of the Economic Group was at all times completely non-political.

Moreover, it appears essential to me to point out, that to the end of the war, in spite of our frequent meetings, I never knew, as far as I can remember, that Herr Dr. BUSTEFISCH belonged at all to the Party or to one of its formations. In any case, my impression of him has always been that he was a very able man of economy, who was not infected with National-Socialist ideology.

Muehlheim-Ruhr, 25 February 1948

signed: Edgo STILLES
(Edgo STILLES)

Document register No. 123 for the year 1948.

The afore-going signature of Herr Edgo STILLES from Muehlheim on the Ruhr, Bismarckstrasse 32, who is personally known to me, is herewith certified by me.

Muehlheim a.d. Ruhr, 25 February 1948
signed: Rudolf SCHMIDT
Notary Public

The true and correct copy of the above document is herewith certified:

Essenberg, 26 February 1948

signed: Dr. Hans FLAEGEMER
Attorney-at-Law

Affidavit.

I, Paul SCHNEIDER, chemist, resident of Hamburg-Mies-
sen, Soliverstrasse 95, herewith take the following affi-
davit after having been cautioned that my statements are
to be submitted as evidence to the Military Tribunal in
Darmstadt and that I render myself liable to punishment
if my statements do not correspond to the truth.

I have personally known Herr Dr. BUEFFELISCH since
the year 1936/37. Among other things he was chief of
the Arbeitsgemeinschaft (working partnership) Hydrogene-
tion, Low-Temperature Distillation and Synthesis, as well
as a member of the advisory board of the Economic Group
Fuel Industry. After the outbreak of the war Dr. BUEFF-
ELISCH assumed also the provisional direction of the
Economic Group.

In my capacity as one of the Referents of the Mineral
Oil Division of the Reich Ministry of Economics, and
later, from the end of 1943 on, of the Ministry for Arm-
aments, I frequently met Dr. BUEFFELISCH who, as one of the
most prominent experts in this field, was often consulted
by the Reich Ministry of Economics and/or the Ministry
for Armaments to give information about technological
questions.

I have never heard anything about political activi-
ties on the part of Herr Dr. BUEFFELISCH. I can most de-
finitely assure that I have never seen him, neither in
uniform nor with the insignia of the Party or of one of
its organizations. Dr. BUEFFELISCH did not allow himself
to be influenced by Party agencies or ideologies in his
professional work either; on the contrary, he frequently
did not refrain from criticizing sharply National Socia-
list notions.

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which were contradictory to his unbiased technological mind.

I know nothing about any closer relations of Dr. B. with the SS. As far as I know, Dr. B. was Vorstand of the Erbsag and as such entertained of course business relations with the other members of the Vorstand, among others with KRAEFVUS, of whom it was known that he was a member of the SS.

signed Paul SCHWIDEL

Hamburg, 18 February 1943.

No. 42 of the Documentary Bill for 1943.

I certify that the above signature is that of Paul SCHWIDEL, chemist, resident of Hamburg-Altona, Delivierstrasse 95, to me known, signed before me.

Hamburg-Altona, 18 February 1943

signed: Dr. SMITZ
Notary

(seal)

Costs:

Value: 1,000 RM

Fee, Art. 26, 39, 147 RGO . . .	2.— RM
sales tax . . .	0.06
	<u>2.06 RM</u>

signed Dr. SMITZ
Notary

I certify that this is a literal and correct copy of the above document.

Quernberg, 25 February 1943

signed:

Dr. Hans FLECKHUSEN
Attorney-at-Law.

A f f i d a v i t.

I, Dr. Hermann ZOH, residing in Rosenthal, District of Frankenberg, House No. 229, after having been duly cautioned that I render myself liable to punishment if I make a false affidavit declare upon oath that my statement corresponds to the truth and that it was made in order to be submitted as evidence to the Military Tribunal No. VI in the Palace of Justice in Duernberg, Germany.

1. I was born on 24 January 1896 at Hamburg. After having studied chemistry I worked as an assistant at the Dresden Institute of Technology, and in May 1925 I joined the Dywida-works of the I.G. Farben Industry. Here I was in charge of a group working together in the research institute of that place, until I was called to the Leuna-Works as Director of the research laboratory in September 1930. I remained there until I was forcibly evacuated by the U.S. Army on 21 June 1945.

2. Due to my appointment at Leuna, I got into close official contact with Dr. Heinrich BUEFFISCH, whom I have known already since 1929, because from that time on, I was quite often in Leuna on business. Later on, the cooperation with Dr. BUEFFISCH grew more intimate, due to the fact that I had been called into the Reich Office for Industrial Expansion (Reichsamt fuer Wirtschaftserweiterung) as a honorary associate and advisor in the field of lubricant oils, by the plenipotentiary General for special questions concerning Chemical Production, Professor TRAUCH. Dr. BUEFFISCH had been assigned to this office likewise as a honorary associate for questions concerning hydrogenation. Also in this field I worked closely together with Dr. BUEFFISCH.

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It is quite natural that from this cooperation there resulted a very close personal relationship in the course of time.

3. The fact that Dr. BURETSCHE had been conferred an SS-rank honorarily, was - in spite of my personal contact with him - unknown to me. I learned this only after the surrender. Knowing his attitude towards political questions I would have never expected Dr. BURETSCHE to have any rather close connection with the SS. As far as I remember, he never wore an SS uniform and actually never had one, just as I have never seen him wear a badge. Besides that, I have never noticed anything from which I could have concluded that he belonged to the SS. I merely knew that he was on good terms with several SS-officers - especially with SS-officer WITTEGGS. Likewise all my friends never suspected Dr. BURETSCHE of holding an SS-rank.

4. Actually Dr. BURETSCHE's attitude towards the NS-regime was critical and reserved. So much the more was my surprise when I learned from him one day that he was a party member, all the more because he had been a member of a lodge. At that time he explained his entrance with the fact that he had deemed this step necessary for general reasons with regard to the works in order to be able to protect the League Works or the I.G. Farben Industry even better from the interference and the encroachments of the party.

Dr. BURETSCHE followed the motto: "live and let live". He not only tolerated free speech and

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a frank opinion, clothed even in sharp language, but he encouraged it and respected it. Consequently he never took political view-points into consideration when selecting co-workers but chose them according to their qualification. For instance, he was not disturbed at all by the fact that his chief clerk, Herr SEILER had close connections to the S.D., a fact which was well known. He respected in Herr SEILER the decent worker, efficient in his field of work, and was not interested in the least in his political opinion.

Dr. BUECHER maintained the same attitude towards the rest of the personnel of the works under his control. Actually he had nothing to do with questions concerning labor allocation neither in the Leuna works nor in his capacity as honorary associate of the Plenipotentiary General for Special questions concerning Chemical Production. However, due to his generally humane attitude, on the occasion of inspections of plants as well as in the Leuna works, he always pointed out that the plant management should attach greatest importance to have the same fair and humane working conditions for all workers, regardless of their nationality.

Dr. BUECHER, because of his amiable attitude towards National Socialist actions, could be approached at any time for help for persons in distress because of political reasons.

This is shown by the following example:

At the end of 1944 the Reichsruhrer SS decreed that all those persons were to be removed from leading positions in the industry of the Protectorate who were married to Jewish wives and up to date had not been divorced.

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On an inspection trip through the refineries of Erdabitz and Wollin, I found out that the chief engineers of both works, Oberingenieur GIER in Erdabitz and Oberingenieur Dr. SOMMER in Wollin would be subject to this decree. After I had informed Dr. BUECHER of this matter he immediately took steps to obtain the permission for both gentlemen to remain in their position, a thing in which he actually succeeded. This gives a good picture of Dr. BUECHER's attitude towards the tendencies prevailing at that time.

Rosenthal, 10 December 1947

signed: Dr. Hermann ZORN
(Dr. Hermann ZORN)

This is to certify that Herr Dr. Hermann ZORN has signed above document before me to-day.

Rosenthal, 10 December 1947

signed: Dr. Kurt HILF
(Dr. Kurt HILF)
Assistant Defense Counsel
in Case VI

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Certified literal and correct copy of the above document:

Haarberg, 17 February 1948

signed: Dr. Hans FLICKENBERG
Attorney-at-Law.

Excerpt from Dr. BUSTEFISCH Document No. 100

(Dr. HOCHSCHWENDER Affidavit dated 5 February 1948)

.
I know that Herr Dr. BUSTEFISCH was invited by Herr KRASCHUS
to attend the evening-parties of the so-called circle of friends.
Only now I have also heard that, probably on the instigation
of Herr KRASCHUS, Herr Dr. BUSTEFISCH was bestowed an SS rank.
But I never saw or never heard that Herr Dr. BUSTEFISCH had worn
any Party insignia or SS uniform. I am of the opinion that Dr.
BUSTEFISCH accepted these marks of honor in order not to mar his
cordial relations with Herr KIEPPLER and Herr KRASCHUS and thus,
also in the interest of the whole, to make his work and that of
his colleagues easier. I know that Dr. BUSTEFISCH's inner
political attitude and his economic and social conceptions were
based merely on his common sense and had nothing whatever to do
with the proper line of National Socialism or of the SS.
.

.

I certify that this is a literal excerpt from Dr. BUSTEFISCH
Document No. 100.

Essenberg, 25 February 1948.

signed: Werner PROSS, Assessor
(Werner PROSS)

Assistant Defense Counsel
in Case VI

A f f i d a v i t.

I, Robert WAGNER, Leuna (district Merseburg), Ernst-Thälmannplatz No. 22, having been duly cautioned that I render myself liable to punishment if I make a false affidavit, hereby declare on oath that my statement corresponds to the truth and was made in order to be presented as evidence before the Military Tribunal VI in the Palace of Justice, Magdeburg, Germany.

I have been a commercial employee in the Leuna plant since 1921. I worked in Dr. Heinrich BUEPFISCH's office from 1932 until 1934. During the subsequent years I worked in another of the directors' offices, and I continued to come in contact with Dr. BUEPFISCH.

I came to know Dr. BUEPFISCH as a just superior and as an honest man. At times I also had private conversations with him. He listened to my criticism of the National Socialist regime with interest and thoroughly respected my opinion. Dr. BUEPFISCH used to judge all the staff, including the workmen of the plant, merely by their efficiency; he did not care about their political convictions.

Leuna, 3 November 1947

signed R. WAGNER

I Attorney Dr. Heinz REINHARTS, at present in Merseburg, herewith certify the above signature of Robert WAGNER, Leuna, Ernst-Thälmannplatz 22, identified by registration card No. 6450 of the town administration Leuna, made before me.

Leuna, 3 November 1947

signed Dr. Heinz REINHARTS

Certified literal copy of Document Bue 153

Magdeburg, 10 February 1948.

signed Dr. Hans FLAEBISCHER

(Dr. Hans FLAEBISCHER)

No. 281 of the document roll First copy.

Year 1948

Hannover, 21 January 1948.

(L.S.) signed Dr. HEESCH
Notary

Hannover, 20 January 1948.

Before me, Notary Dr. jur. Paul HEESCH of Hannover, appeared the merchant Heinrich CONZEN, Hannover, Rosskampstrasse 3, personally known to me. He requested that an affidavit be taken down. The notary pointed out to him that he would render himself liable to severe punishment if intentionally or carelessly he made a false affidavit, especially if this affidavit was to be submitted to an authority and serve as evidence before the Military Tribunal in Nuremberg, Germany.

Thereupon the above-named declared:

1.) Id personam:

"I was manager of the German Gasolin I.G., branch Vienna GmbH., manager of the Danube Oil GmbH., Vienna, member of the Vorstand of the Steinberg Werke I.G. Vienna and the affiliated Mineral Oil Company. According to the denazification ruling of the military government, British area of control, reference: serial no. 88 031329, I am classified in category IV."

2.) Id rem:

"I have known Dr. BUTTFRISCH since 1932; I had consented to deal with him as director of the Mineral oil affairs of the I.G. In view of the frequent business contact

(Page 2 of original)

we also maintained close personal relationships until 1945. Our families are mutual friends.

Thus I am able to give the most precise information about Dr. BURETIVISCH's political attitude. His life was filled with tasks of a technical nature. He was a chemist by profession. Politics and in particular Party business were far removed from him and he took little interest in them. The fact that, in spite of this, he joined the Party in 1939 was an inevitable necessity for a man in an economic position as technical director of the Leuna plant in the circumstances prevailing at the time. Dr. BURETIVISCH told me that through his forcible cooperation with the SS leader KIMPFUSS in the Grating he had been awarded an SS rank. Dr. BURETIVISCH never made any use of this; I never saw him in uniform or with a badge. When I once asked him if he did not possess a uniform, BURETIVISCH replied that he would not dream of procuring one and that he had accepted the rank only on condition that he would not be sworn in, that he would retain his complete freedom and not be called upon for any duties. Thus, Dr. BURETIVISCH remained absolutely non-political.

Dr. BURETIVISCH was regarded as one of the foremost experts in the field of mineral oil, especially of hydrogenation. He never let political and Party considerations influence his official decisions and tasks. He severely criticised National Socialist measures. I recall, for instance, his determined action against the Labor Front.

(page 3 of original)

when the latter attempted to assume a dominating position in the Steinberg Works A.G. on the basis of purely political power. In the same manner Dr. BUTTERFISCH objected severely to the removal of racial persecutees from their jobs in the industry. As I was told, he succeeded for instance in enabling the two chief engineers of the Pardubitz and Kolin plants, Senior Engineer GILZ and Senior Engineer SOMMER, to retain their jobs."

After the above was read, the author stated: "This is correct. I declare this on oath."

Thereupon the read record was closed, approved by the author and signed as follows:

signed Heinrich CONZEN
signed Dr. Paul HERSEN, Notary.

The above record is herewith made out for the first time and the copy is handed to the Merchant Heinrich CONZEN, Hannover, Rosenknechtstrasse 3.

Hannover, 21 January 1943.
signed Dr. Paul HERSEN,
Notary.

(L.S.)

Certified literal and correct copy of the above document:

Wernberg, 13 February 1943

signed Dr. Hans FLECHSMAN
Attorney-at-Law.

Prof. Dr. Med. CLAUSEN

Director

of the University Eye Hospital Halle (S).

(19a) Halle (Saale), 17 November 1947

Magdeburger Strasse 22

Telephone No. 26790

I, Professor Dr. med. Wilhelm CLAUSEN, residing in Halle a.S.,
Magdeburgerstr. 22, have been cautioned that I render myself liable to
punishment if I make a false affidavit. I declare under oath
that my statement corresponds to the truth and is being made in
order to be submitted in evidence to Military Tribunal VI in the
Court House, Naumburg, Germany.

signed: Prof. Wilhelm CLAUSEN.

- 2 -

University Eye Hospital

(10) Halle (Saale), 17 November 1947

Director: Prof. Dr. CLAUSEN

Hindenburgstrasse 22-

Halle/Saale

Telephone 26790

Gl/Ra.

Director Dr. Ing. Heinrich BUETEFISCH, residing in Leuna, Uferstr.7, was examined for the first time in the University Eye Hospital in Halle a.S. on 12 September 1935 because of shortsightedness of the right eye, farsightedness of the left eye, conjunctivitis and small areas of opacity in the periphery of the lenses of both eyes.

On 3 June 1940 Director Dr. BUETEFISCH appeared again for an examination because for about six weeks he had observed trouble with his sight in his right eye. A malign tumor was found on the right eye, growing out of the ciliary body and the periphery of the choroid membrane; it was a so-called circular melanosarcoma of the ciliary body and a melanosarcoma of the peripheral areas of the choroides. After sufficient observation resulting in establishing a definite diagnosis, on 2 July 1940, the right eye was removed under a local anaesthetic, in order to obtain a radical removal of the malign tumor as far as possible. For a few weeks the patient underwent some subsequent treatment in the course of which no disturbances of the healing process or irregular phenomena were observed in the right orbit.

The diagnosis of a malign tumor in his right eye badly affected the mental state of Director Dr. BUETEFISCH at that time. Also after the removal of his right eyeball he could never get rid of the thought that germs of the malign tumor might have been transferred to other parts of his body, where they might lead to the formation of malign tumors in vital organs. It is surely very understandable that this worry has put a severe mental strain on Dr. BUETEFISCH.

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during the following years.

* signed: Prof. Wilhelm CLAUSEN
Director of the University Eye
Hospital Halle a./Saale

The above signature of Prof. Dr. med. Wilhelm CLAUSEN, residing
in Halle/Saale, Magdeburgerstr. 22, is hereby certified.

Halle/Saale, 17 November 1947

No. 710 of document register 1947

The notary:

signed: Dr. RUCHROW

Stamp: Dr. jur. Ernst RUCHROW

Notary in the district of the
Court of Appeals of Halle (S).

Calculation of costs:

Value: 3000.00 RM

1) fee according to para. 144, 26, 39 KRO. 4.00 RM.

2) turnover tax 0.12 RM.

4.12 RM.

The notary:

signed: Dr. RUCHROW

This is a true copy of document

Bue 76

Muerberg, 7 February 1948.

signed: Dr. Hans FLACHNER
(Dr. HANS FLACHNER)

affidavit.

I, Dr. Hans RÄDING, a resident of Uerdingen, Düsseldorfer-Strasse 24, after having been warned that I will render myself liable to punishment if I make a false affidavit, declare under oath that my affidavit is true and was made in order to be submitted as evidence to the Military Tribunal in the Palace of Justice in Nuernberg, Germany.

Since 1934 I have been on the staff of the Leuna works and have known Dr. BUSTEFISCH since that time.

From my own experience I am acquainted with the following incidents:

In the test laboratory of the Leuna works where I had to work for a time also, I met a chemist, Dr. Walter BAUMANN with whom I had been acquainted from the time of my studies in Berlin. It appeared that Dr. BAUMANN with whose family I was on friendly terms was of Jewish descent, and for this reason he wanted to resign the work in the Leuna. Dr. BUSTEFISCH as well as Dr. SCHNEIDER asked him not to do that and told him that they would back him up as far as they could. Dr. BAUMANN then decided to stay. But the situation came to a head in the course of the years. In 1938, the foreman of the workers council who had been appointed by the Labor Front demanded the discharge of Dr. BAUMANN. Dr. BUSTEFISCH again declined. Eventually, the solution of pensioning Dr. BAUMANN with his full salary was decided on. Moreover, Dr. BUSTEFISCH in particular took pains to find another position for Dr. BAUMANN through his connections overseas.

(page 2 of original)

At last he succeeded with the Standard Oil Company. Moreover, Dr. BUSTEFISCH took pains to speed up the formalities for Dr. BAUMANN's emigration, when in the summer of 1939, the suppression of the Jews became more and more intense. He did not succeed, however, in helping Dr. BAUMANN to leave the country because the war broke out meanwhile. In November 1939, Dr. BAUMANN was then arrested by the Gestapo and transferred to the concentration camp Sachsenhausen near Berlin, where he died in March 1940. With full success, Dr. BUSTEFISCH used his influence in order to secure the payment of the full family pension to the surviving members of Dr. BAUMANN's family; this was not admissible under the then existing regulations in the case of families of Jewish members of the staff.

In August 1944, Dr. SCHAUENBURG, the delegate for Counter Intelligence of the Leuna Works, was arrested with his wife and some of his cooperators for having listened in to foreign radio stations. By approaching the competent agencies in Berlin, Dr. BUSTEFISCH, in this case, took pains for getting the detainees released. At the time of the most pronounced political terror, it was very dangerous for anybody to use one's influence in favor of a person charged with this crime. But that could not discourage Dr. BUSTEFISCH from taking all possible steps for the release of Dr. SCHAUENBURG.

Nuernberg, 25 February 1948.

(signed): Dr. Hans KASDING
(Dr. Hans KASDING)

The foregoing signature of

(page 3 of original)

Dr. Hans KAMPF, residing in Uerdingen, Düsseldorfer Strasse 24,
which signature was made in my presence, is certified herewith.

Munich, 23 February 1948

(signed): Dr. Kurt HARTMANN
(Dr. Kurt HARTMANN)
Assistant Defense Counsel
in Case VI

This is a literal and correct copy of the above document.

Munich, 28 February 1948.

(signed): Dr. Hans FLAUSCHNER
Attorney-at-Law

Affidavit.

I, Dr. Hans KLEING, resident Verdingen, Tusseldorfer Strasse 24, having been warned that I render myself liable to punishment if I make a false affidavit, do hereby declare on oath that my statement is the full truth and was made to be submitted in evidence to the Military Tribunal in the Courthouse at Nuernberg, Germany.

When the air raids on Leuna started in 1944 I was charged by Herr Dr. SCHNEIDER with the planning and reconstruction work after the raids. Thus I came to work in the plant management.

In the winter of 1944/45, an SS staff appeared all of a sudden on the Leuna plant terrain headed by a Sturmbannfuhrer. The latter pointed out to us that HEDIGER had expressed the intention to place the Leuna plant under his own SS management, because the plant management had turned out to be a failure. Having regard to the technical difficulties, however, it was decided to attach him (the Sturmbannfuhrer) and his subordinates to the plant management as "advisers". After several days this gentleman gave vent to his dissatisfaction with the plant management and the results achieved by saying: "As a stern warning several people ought to be hanged - that might make the plant management work." Thereupon, Herr Dr. BUETEFISCH rang up the chief of the planning section in the Ministry of Armaments, KEHL, and got KEHL to keep the SS-detachment in their

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places, restricting them to their proper task, viz. solution of the transportation problems.

Munernberg, 25 February 1948.

signed: Dr. Hans KAEFING
(Dr. Hans KAEFING)

I herewith certify the above signature of Herr Dr. Hans KAEFING, resident Verdingen, Duesseldorfer Strasse 24, given in my presence.

Munernberg, 25 February 1948.

signed: Dr. Kurt HARTMANN
(Dr. Kurt HARTMANN)

Assistant Defense Counsel

Certified true and correct copy of the above document:

Munernberg, 28 February 1948.

signed: Dr. Hans FLAUCHNER
Attorney-at-Law

Affidavit.

I, Dr. Hans KLEIDING, born 2 August 1905, resident Krefeld-Uerdingen, Duesseldorfer Strasse 24, having been warned that I render myself liable to punishment if I make a false affidavit do hereby declare on oath that my statement is the full truth and was made to be submitted to the Military Tribunal No. VI in the Palace of Justice at Nuernberg, Germany.

Between 1927 and 1934 the undersigned worked in Dahlen, first preparing for the Ph.D., later as associate to Professor HAHN. At the latter's suggestion I had made up my mind to stay at the Kaiser Wilhelm Institut in Dahlen and to enter upon the academic career. I abandoned this resolution, however, when with the advent to power of National-Socialism, the attempt was made by decrees and coordination, to make science as well as economy and all other spheres of public life conform with certain fixed principles.

On the occasion of my dismissal from Dahlen, by the middle of September 1934, Professor HAHN told me that Geheimrat DOSCH had seen him. He had been in great excitement, coming straight from an interview with HITLER which had lasted only a couple of minutes and in which an attempt was to be made by DOSCH to convince HITLER that, unless one wanted to discredit German science, research work must not be hampered by decrees and coordination, and that any man desirous to work for science -irrespective of whether or not he was able to perform 25 kilometer route marches etc -

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must be given freedom of research, and that in spheres which interested the man concerned, irrespective of whether their work and that particular field of research would be productive of immediate practical results. As became apparent after a couple of minutes, an agreement with HITLER on these questions could not be reached, so DOSCH broke off the interview.

To demonstrate the value of science, DOSCH subsequently decided that the BUNSEN meeting, that is, the meeting of the physicist-chemists and electrochemists which, as usual, was to provide a scientific subject as main theme, should include reports by distinguished representatives of the chemical industry on their particular field, so as to underscore the success the German industry owed to free scientific research. Thus it came that at the next BUNSEN meeting Dr. BUETEFISCH delivered a lecture on the theme: "The importance of physical chemistry in chemical mass production." in which, radically departing from the traditional procedure, he disclosed hitherto unpublished details of the production methods of his plant.

However, this demonstration did not meet with success.

Muernberg, 25 February 1948.

signed: Dr. Hans KLEIDING
(Dr. Hans KLEIDING)

The above signature of Herr Dr. Hans KLEIDING, resident Uerdingen,
Duesseldorfer Strasse

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Document Book IX BUSTEFISCH
BUSTEFISCH Document No. 84
Exhibit No.....

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24, given in my presence, is herewith certified by me.

Nuernberg, 25 February 1948.

signed: Dr. Kurt HARTMANN
(Dr. Kurt HARTMANN)

Assistant Defense Counsel
in Case VI

Certified true and correct copy of the above document:

Nuernberg, 28 February 1948.

signed: Dr. Hans FLAEBNER,
Attorney-at-Law.

CERTIFICATE OF TRANSLATION

9 March 1948

We hereby certify that we are duly appointed translators for the German and English languages and that the above is a true and correct translation of Document*Book IX BUETEFISCH.

Hanna Marie BIEBER, Civ. No. B-397 989, (pages 5-12; 77-80)

.....

Hildegard L. FIRTEL, Civ. No. 17 415, (pages VII-XIII; 50-55; 70-71; 81-83)

.....

Gerhard FISCHER, Civ. No. 17 397, (Cover; pages I-III; VI-VII; 1-4)

.....

Rosl GETZU, Civ. No. 45 672, (pages III-IV; 37-41)

.....

Paul E. GROPP, Civ. No. B-397 975, (pages X-XI; 26-36; 72-76)

.....

Hans NICHTENHUSER, Civ. No. ^{20 113} (pages 5-12; 77-80)

.....

Alfred OBERLAENDER, Civ. No. 20 192, (pages 13-19; 87-91)

.....

Frederic L. PERA, Civ. No. B-397 943, (pages 46-49; 65-69)

.....

Ursula E. RUDEMAN, Civ. No. 20 130, (pages VIII-IX; 20-25)

.....

Kurt SCHREUER, Civ. No. 35 299, (pages 56-64)

.....

Dr. Siegfried TUBER, Civ. No. 1-443 415, (pages 42-45; 84-86)

.....

Case 6
Defense

TRIBUNAL VI

CASE VI

DOCUMENT BOOK I

for

Dr. Heinrich BUECKFISCH

presented by the
Defense Counsel

Dr. Hans Flaechener
Attorney-at-Law.

Heing



Table of Contents of Document Book Buchstaben No. X

<u>Page</u>	<u>Description of Document</u>	<u>Bus. No. Exh.</u>
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SS and Friendskreis (Circle of Friends)

1	<u>Letter of the Hesse State Ministry</u> <u>Minister for Political Liberation,</u> <u>13 November 1947.</u>	Bus. 507
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Concerning Honorary Leaders of SS.

Document Book Buotefisch No. X

Page	Description of Document	Bu. No.	Exh.
1 b	<u>Affidavit Margarete Buotefisch, of 9 November 1947.</u>		
	Dr. Buotefisch never owned an SS uniform and never served in the SS.	Bu. 141	
2	<u>Affidavit Gottlob Berger, of 23 December 1947.</u>	Bu. 206	
	The affiant, a former chief of the SS Main Office, SS Obergruppenfuhrer (Lt. Gen. SS) and General of Waffen SS comments on considerations for the bestowal of the title of Honorary Leader (Ehrenfuhrer) in the SS. SS leaders did not belong to units; they did not perform any duties in the Allgemeine SS (General SS). Acceptance as Ehrenfuhrer took place either on application by the person concerned or by invitation of the leader of an SS Corps Area. That the Faltshofuhrer SS invited such men in public life and by reason of their personal activity had become prominent, irrespective of their party affiliations. That the SS Main Office registered the less important Honorary Leaders.		
	Developments in the concentration camps and in questions pertaining to Jews as brought to light in the main trial were not something with which the Honorary Leaders could be familiar as even the chiefs of the Main Office or the leaders of the SS Corps Areas immediately affected were not informed about them.		
	Buotefisch never had any functions under Berger nor was he ever asked to do any service functions. Nothing was known about the fact that Buotefisch at any time discharged duties with any of the units of General SS. Honorary Leaders - this also applying to Buotefisch - never had authority of command within the SS. Buotefisch never was given a special assignment of any sort.		
6	<u>Communication of the Bavarian State Ministry for Special Tasks, Exhibit Schneider No. 75</u>	Bu. 203	
	Concerning Mitteilungsblatt (News Leaflet) of the Bavarian State Ministry for Special Tasks, No. 3/4, Munich, 3 Sept. 1947, 2nd year, page 8: SS-leaders on whom this title was conferred in an honorary capacity do not come under criminal organizations, notwithstanding the fact that they are not to be released from the camps.		
8	<u>Affidavit E.R. Fischer, of 26 Sept. 1947</u>	Bu. 201	
	The affiant confirms that Buotefisch's contact with SS derived purely from his relationship with Kranofuss, a member of the Vorstand and with whom Buotefisch		

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collaborated as a technical expert. That Krenofuss was a relative of Koppler who is said to have played a big part in the founding of Dring (Braunkohlen-Brensin A.G.) (brown coal-gasoline). That Krenofuss had been a Higher SS Leader, who to a far reaching extent was laboring under delusive ideas as regards SS, an idealist, inspired by the best will to do what is right, ignorant of the ways of the world and of reality: as a human being yearning to lean on someone else. That Krenofuss was open to reasoning and that through him it had been possible to prevent many an excess or make up for others. That Buotofisch enjoyed the confidence of Krenofuss and in many instances was called upon to aid persons who were politically persecuted or in trouble: for instance, in the case of A.v. Weinberg, Dr. Dornth and Dr. Schenck. That in the early part of 1939 Krenofuss suggested that Buotofisch accept an SS rank. That for a long time Buotofisch avoided matters, seeking for reasons to circumvent the proposal. That in course of time it no longer was possible for Buotofisch to refuse acceptance of the rank offered to him. Buotofisch advanced reasons which, as matters stood at that time, should have prevented conferring the rank upon him, and he made reservations that he could not subject himself to the authority of command of the SS, and that he had to reserve for himself the freedom of his conviction and of his actions. That, contrary to expectations, Krenofuss accepted his reservations so that Buotofisch no longer could elude. That by reason of these reservations the bestowal of a rank was turned into a pure formality. That during many conversations between Krenofuss and Buotofisch the affiant was present. That Buotofisch held strictly to his reservations. Affiant never saw Buotofisch wear a uniform or even a badge, and that never had he given the oath. That in the spring of 1944 Krenofuss tried to induce Buotofisch to give up his reservations, urging him to put on a uniform for special occasions. That Buotofisch vehemently refused to comply and that, aware of the consequences which possibly or logically might arise for him, he had asked to delete him from the list of honorary leaders of the SS since the demand now made upon him constituted an infringement of his personal liberty and was not consistent with the assurance given him. That this resulted in serious arguments between Buotofisch and Krenofuss, about which affiant learned from comments made by both parties. That Buotofisch asked Krenofuss to submit Buotofisch's request for cancellation of his honorary rank to Himmler. That Krenofuss told

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the affiant at that time that he proposed to wait with the matter for a propitious moment. That, undoubtedly, Kranefuss very much disliked carrying out this mission. That because of the high esteem in which Kranefuss held Buetefisch it developed that in the year of 1939 Buetefisch was invited to participate in the activities of the so-called "Freundeskreis" (Circle of Friends). That Buetefisch turned to Kranefuss for help when professional or personal problems came up for individuals who were pressed hard.

- 15 Affidavit Friedrich Wilhelm Ziervogel, of
2 February 1948.

Bue.92

Affiant declares that in 1942 he told Buetefisch that Kranefuss was a member of the Advisory Board (Beirat) of the Wirtschaftsgruppe (Economic Group) Automobile Fuel Industry and Higher SS leader wanted to remove the affiant from his position. That Kranefuss knew, that he as well as his deputy were not members of the Party and, in his opinion, they did not have the necessary contacts with Party offices. Buetefisch thereupon declared that he never would permit that such orders were put into effect. That for him Buetefisch, it was the efficiency of a person which counted not his political orientation. That he, Buetefisch, would speak to Kranefuss. That in Braubach he and Kranefuss are working harmoniously together as colleagues and that he would straighten the matter out. That only after the collapse in 1945 did he, the affiant, learn from other sources that upon a recommendation made by Kranefuss an honorary rank was conferred upon Buetefisch in the SS. That it is typical for Buetefisch that he did not at any time make mention of it. That affiant never saw Buetefisch display a badge or wear in a uniform. Affiant knows that the National Socialist way of thinking was entirely foreign to Buetefisch, and he expresses the conviction that Buetefisch accepted the honor which came to him thanks to Kranefuss merely in order not to disturb their pleasant relationship as colleagues and in order to continue to have sufficient influence over Kranefuss to have his help for effective assistance to colleagues who were politically in difficulty.

- 16 Affidavit of Hans Gierlich, of 17 Febr. 1948. Bue.266

Affiant confirms the correctness of the story, which he related on 19 August 1946, on the personal intervention of Dr. Buetefisch on behalf of Geheimrat Arthur von Weinberg. In the wake of antisemitic measures taken by the Party he had been arrested at the family estate of his son-

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in-law, Count Sprati, in Bavaria and was taken to Munich. The management of I.G. was to do everything possible to save Weinberg. No steps could be taken except directly with the Reichssicherheitshauptamt (Reich Security Office). In official announcements the warning had repeatedly been unequivocally pronounced to refrain from intervening on behalf of Jews. To approach the Reichssicherheitshauptamt, therefore, was particularly dangerous for anybody who made such a move. Dr. Rustofisch nevertheless went to see the Gestapo at Prinz Albrechtstrasse, and he was so insistent that he was promised that steps would be made in the matter and that pending final clarification Herr von Weinberg was not to be transported away further. When, two days later, Dr. Rustofisch and the affiant again approached the Gestapo it was found that Herr v. Weinberg was already on his way to Theresienstadt. Dr. Rustofisch saw to it that a personal appeal for the release of Herr v. Weinberg was delivered to the Reichsführer SS by the quickest possible means.

21 Affidavit Dr. Wilhelm Rustofisch, of 8 October 1947. Bus. 144

Affiant was closely associated with Dr. Rustofisch in office matters and in personal matters. Dr. Rustofisch never wore an SS uniform, and he not even displayed an SS or other National-Socialist badge, not even on special occasions, e.g. when representatives of high state or Party offices visited the Leuna plant. Dr. Rustofisch never received in his offices the representatives of SS organizations, nor did he cultivate ~~contacts~~ ^{relationships} with them. It would not have been possible for Dr. Rustofisch to be in any closer contact with the SS without the affiant knowing about it. Rustofisch's SS rank was an unknown fact not only in Leuna but, according to my impression, also in all other places to which his functions took Dr. Rustofisch. According to the impression of the affiant the attitude of Rustofisch as regards National Socialism was unfavorable. Because of his former connection with Free-Masonry the Party circles decidedly rejected him while Rustofisch for his part also held an opinion on the Party and its measures which made him reject them. Official invitations from Party offices and similar offices Dr. Rustofisch always turned down with the remark - according to what his secretary Sailer tells - that he had no time for such "nonsense".

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Not only did Dr. Buatoefisch term SS attempts to do work in the field of gasoline production futile, but he criticized towards the affiant the behavior of SS in all its aspects in a most unfavorable manner.

24 Affidavit of Hans Erich Chaudon, of 18 Febr. 1948. Bu. 204

For a long time the affiant was an associate worker of Krafuss at the Brabag. After 1936 the Circle of Friends was kept up by Krafuss exclusively. Krafuss succeeded in procuring on a greater number of economists for commerce and finance to attend the Party rallies in Nuremberg as the invited guests of the Reichsaushrer which, it was expected, would cause the economy leaders who kept aloof to become reconciled with the ideas and objectives of National Socialism while it also was hoped that at the same time through close contact of industrialists with each other and as a result of their becoming acquainted with leading Party members mistakes in the National Socialist Economic Policy could be avoided which were too serious. The interest of Krafuss was centered on this latter task because his sharp vision and critical judgment recognized the serious dangers which were threatening. The monthly meetings came about upon the initiative of Krafuss who sent out the invitations and who tried to give them an official character. Krafuss described these gatherings towards the affiant as of a purely social nature.

25 Affidavit of Karl Blöseling, of 12 January 1948. Bu. 205

Together with Buatoefisch the affiant was invited by Krafuss in the spring of 1939 to attend the functions of the Circle of Friends. That as regards the gatherings of the Circle of Friends they were strictly of a social character. The donations solicited by Krafuss and by Baron Schroeder, respectively, were strictly the latter's personal initiative but did not constitute an initiative coming from the Circle in its entirety. Buatoefisch never stood out politically. That he did not make use of his SS honorary rank. That affiant never saw Buatoefisch in uniform. That Buatoefisch was not invited to attend the Circle of Friends as a representative of I.G. or of Brabag. That together with Buatoefisch the affiant participated in the visit to Himmler's headquarters, in December 1943. That in his address to the invited guests Himmler uttered nothing but general statements on the war situation, same as they could be read in newspapers.

Page Description of Document Doc. No. Esh.

The remainder of his speech, so it seemed to the affiant, was insignificant. That Himmler intimated that while he was aware of the fact that with the public his was the reputation of an extremely stern and dangerous man this in reality had no justification. That is better, just the same, to have that sort of a reputation. That on their way back to Berlin the affiant discussed the affair as such and Himmler's speech with Rustefisch and that both had expressed deep disappointment in the same fashion. Rustefisch was annoyed that one should have called together for such an unimportant affair and given spare time is exceedingly curtailed because of the excessive burdens of work imposed by the war.

- 34 Extract from official records of court proceedings of the Military Tribunal No. IV, Case V of 18 August 1947, session 9:30 to 12:30 hours. Examination of the witness Blooming. Bu. 204

Freundeskreis (Circle of Friends), gatherings of the Freundeskreis; visit to Himmler's Headquarters; as regards the crimes charged against the SS there was never a hint made in the Circle of Friends.

- 48 Extract, in part, of Doc. Dr. Rustefisch No. 225, Affidavit of Walter Rosenzweig, of 12 February, 1948. Bu. 225

Affiant confirms that he did not learn about Rustefisch's holding an honorary rank with the SS until the end of the war. That it never occurred to the affiant that there existed a closer tie between Rustefisch and the SS.

- 49 Extract, in part, of Doc. Dr. Rustefisch No. 89, Affidavit of F. B. rt, of 29 December 1947.

Affiant describes the professional co-operation between Rustefisch and Kranefuss. It was the Kranefuss' initiative which brought about the award of an SS honorary rank to Rustefisch. Rustefisch hints, if did not permit this bestowal to interfere with his basic principles.

- 52 Affidavit Ernst Rudolf Fischer, of 29 January 1948. Bu. 194

Affiant was present when towards the end of 1941 Kranefuss approached Rustefisch and the affiant with the question as to whether the I.O. and the Internationale Oel...G. of which the affiant was the business manager would wish to contribute to a donation. That Rustefisch was astonished now to see Kranefuss also go about carrying a contribution box and that he expressed his aversion against all such drives. That thereupon Kranefuss stated that these contributions were to serve exclusively for Christmas donations to the survivors.

Page	Description of Document	Buc.No.Sch.
	of killed SS men. Bucofisch ensured Kramfuss that he is not competent for the allocation of contributions but that upon Kramfuss' request he agreed that he would bring the matter to the attention of Geheimrat Schultz.	
55	<u>Affidavit Gottlob Berger, of 12 January 1946.</u>	Buc. 59
	The last rank held by Kramfuss was that of an SS Brigade Commander (Brigadefuehrer). That he never held office. That Kramfuss never was an Adjutant to the Reichsfuehrer SS. Kramfuss directed the Circle of Friends. That this Circle never had any official connection with offices or organizations of the SS.	
57	<u>Affidavit of Dr. Heinrich Breitenner, of 7 Febr. 1946.</u>	Buc. 260
	Gives a character sketch of Kramfuss.	
60	<u>Affidavit of Hns Erich Chuden, of 18 Febr. 1946.</u>	Buc. 292
	Gives a character sketch of Kramfuss and of his attitude as regards industry. Kramfuss was an embittered enemy of Heydrich. Kramfuss was co-operative. Dr. Bucofisch often made use of this spirit of co-operation in behalf of third persons. Bucofisch co-operated with Kramfuss without at any time renouncing his inner independence which he preserved in particular as far as political developments were concerned.	
65	<u>Extract from the Official Record of the Court Proceedings of the Military Tribunal No. IV, Case V, of 11 June 1947, session 13:30 to 16:45 hours.</u>	Buc. 264
	Examination of the witness Lindemann on the Freundschaft. Character of the gatherings of the Freundschaft.	
62	<u>Extract from the Verdict of Tribunal IV in Case V, United States versus Flick, et al (pages 49 and 50 in English text of Transcript, page 11016).</u>	Buc. 265
	The Freundschaft as such was not a criminal organization. It did not pursue criminal objects nor advance them.	
95	<u>Affidavit Karl Holff, of 22 September 1947.</u>	Buc. 169
	Affiant is a former General of the Waffen SS in the Staff of Himmler, between 1936 to 1943. He testifies that through Kramfuss Dr. Bucofisch was recommended for the award of an SS rank because	

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He was known to be an outstanding technical expert and has enjoyed great esteem because of his straight-forward frank and honest manner. Rustofisch's later promotions as high as Obersturmbannführer (Lt.Col.SS) came about automatically. Rustofisch did not serve in the SS. Affiant also never saw him in a uniform. It was the award of a strictly formal, honorary rank. The record of Rustofisch did not give proof of any meritorious services performed by him for the Party or for SS. He also had no contact with Himmler.

HESSE STATE MINISTRY

The Minister for Political Liberation

Kassel, 13 November 1947

File Ref.: I/Kr/Kt

To Dr. Heinz Reintges, Attorney at Law
c/o Dotter

29a Bayreuther Str.

M u n c h e n

Reference: Your letter of 25 September 1947.

Subject : Honorary SS-leader.

Re_a): At present it cannot be established whether the decision has been expressly approved by Military Government. In any case it has raised no objection to the publication of this decision.

Re_b) In Hesse no supplementary directives or definitions regarding the term "Honorary SS-leader" have been issued, although this was done in Bavaria. (Compare comment by Schulze A.V. 30)

Re_c): In the absence of an official clarification of this question, the decision must be left to the Spruchkammer concerned. The ministry is not authorized to intervene in pending proceedings through interpretation of legal regulations and thereby to influence the courts.

Re_d): With regard to the passive SS-members there are stipulations in the appendix to Part A, Section E 2 of the law. This question is further dealt with

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in the Ninth Directive for Implementation of
the Liberation Law and in publication Gen. I
/111/47 on page 5 of the Hesse Liberation
Ministry Gazette.

By order,

(Signed): Dr. Kreba
(Dr. KREBS)

Provincial Supreme Court Councillor

+ + + + +

This is to certify that the above document is a
true and correct copy of the original.

Huremberg, 1 March 1948

(Signed): Dr. Hans Fleckenhor,
Attorney at Law

AFFIDAVIT

I, Frau Margarete Bueteffisch, residing at Leuna, Merseburg District 7 Uferstrasse, have duly warned that I shall be liable to prosecution if I make a false affidavit. I declare on oath that my testimony is the truth and that it was given to be submitted as evidence to Military Tribunal VI at Nuremberg, Germany.

I was born at Hanover on 30 January 1896, and I have been married to Dr. Heinrich Bueteffisch since 1922.

It is known to me that in 1939 my husband was appointed an honorary SS-officer. My husband did not possess any SS-uniform, and he has never performed any duty with the SS.

Leuna, 9 November 1947

(Signed): Margarete Bueteffisch

Sworn to and signed before me this 9th day of November 1947 at Leuna by Frau Margarete Bueteffisch residing at Leuna Merseburg, District 7, Uferstr., known to me to be the person making the above affidavit.

(Signed): Dr. Heinz Reintges,
Attorney at law
presently at Nuremberg

This is to certify that above document is a true and correct copy of the original Doc 141.

Nuremberg, 12 February 1948

(Signed): Dr. Hans Fleechner
(Dr. Hans Fleechner)

AFFIDAVIT

I, Gottlob Berger, formerly Chief of the SS Main Office, SS-Obergruppenfuhrer and General of the Waffen-SS residing at Gerstetten, Heidenheim District Wurtemberg, presently at the Palace of Justice, Nuernberg have been duly warned that I shall be liable to prosecution if I make a false affidavit. I declare on oath that my testimony is the truth and that it was given to be submitted as evidence to Military Tribunal VI at Nuernberg, Germany.

1.1. Then, since 1934, it had also become the rule for officials and members of private industry, trade and industry, to attend official functions of the state, army and party in the uniform of the party or its formations, the "honorary leaders" came into existence.

In the SS they were carried on the strength of the Staff of one the Main Offices or the Staffs of the Administrative Districts and Sub-districts. They were entitled to wear uniform on special occasions of a personal or official nature. Up to the outbreak of war they received the generally issued regulations (uniform regulations, conduct in public when in uniform, etc.) but they did not participate in the duties of the General SS (cordoning off, sport evenings, roll-calls) as they were attached to the staffs and not to any unit.

Promotions in their civilian occupation also meant their promotion in the SS but in such a way that their service rank was always adjusted to one grade below that which corresponded to their civilian status. These promotions had no connection with any services rendered in the General SS.

2. Up to 1940 the majority of the honorary leaders were attached to the SS-Main Office.

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They may have numbered 6000. On the re-organization of the main offices on 1 January 1940 the honorary leaders were allocated by Schmitt, chief of the newly formed SS-Personnel Main Office, after conferring with Himmler and Heydrich. About 1500, the less important ones, remained with the main office. Of these 900 were allocated by myself to the Staffs of the Administrative Districts. The remainder comprised mainly those honorary leaders who were engaged in Berlin itself with Reich Ministries and Departments or Reich Offices of Trade and Industry, but who were not important enough to be of interest to Administrative District Spree. Dr. Heinrich Luetefisch was also one of these.

3. Admission of honorary leaders into the SS was effected either through personal application or upon invitation by Himmler or the leader of an administrative district. In the first case a petition was submitted to Himmler or the administrative district concerned; in the latter case the applicant received a questionnaire with the request that it be completed and returned together with the documents detailed below, for "the Reichsfuehrer SS intends to admit you into the SS". This invitation was extended to such men in public life who had gained recognition by virtue of their personal ability irrespective of their party membership. The following papers were to be submitted with and in addition to the questionnaire:

Curriculum vitae (handwritten);
good conduct certificate and proof of clear police record;
statement on freedom from debt,

furthermore two references were to be asked.

4. After 1 January 1940 the forwarding of orders to honorary leaders was discontinued at my main office owing to the lack of time and personnel - besides I was not responsible for the leadership of the General-SS which latter, by the way, ceased to exist from the

- 3 -

end of 1941. However, honorary leaders received the SS-guides and books published by the SS Main Office as far as they took the trouble to obtain them, i.e. by asking for them.

5. The honorary leaders would not be conversant with happenings in concentration camps and concerning Jews as disclosed during the trial, for even the leaders of main offices or administrative districts not directly concerned were uninformed of them.

II.1. I know Dr. Heinrich Buchheisch since 1940, and at the time I invited him, like all other higher honorary leaders, to call at my office at his convenience, because I wished to meet all of them personally at one time or another.

2. Dr. Buchheisch has not filled any office under me nor has he ever been requested by me to perform any duties. There was also nothing known of his serving with any unit of the General SS prior to 1940.
3. Honorary leaders, and, therefore, Dr. Buchheisch too, had no authority to give orders in the General SS.
4. It is not known to me that Dr. Buchheisch had been given a "political special commission" or any commission at all by Himmler. Had that been the case I should definitely have been informed either by Himmler personally or by the chief of the personnel main office.

(Signed): Gottlob Berger

Sworn to and signed before me this 23rd day of December 1947 at Nuremberg by Gottlob Berger,

- 4 -

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general of the Jaffa SS, known to me to be the person
making the above affidavit.

(Signed): Dr. Hans Florschütz

(Dr. Hans Florschütz)
Defense Counsel

This is to certify that above document is a true
and correct copy of the original Doc 206.

Munich, 19 February 1948

(Signed): Dr. Hans Florschütz
(Dr. Hans Florschütz)

- 5 -

OFFICIAL GAZETTE

of the Bavarian State Ministry for Special Tasks No. 3./4.

Munich, 3 September 1947.

2nd annual publication.

Page 9.

Releases from Camps.

Canceling all previous notices, the regulations governing the release from camps are summarised, rectified and supplemented as follows.

.....
.....

Munich, 12 August 1947.

Bavarian State Ministry for Special Tasks.

G. S a c h s , Staatssekretär.

Enclosure 2.

List

of internees not belonging to the criminal organizations, but nonetheless not generally eligible for release:

1. SA, NSKK, USFK.
2. RLD.
3. HW, DJ, BDI, etc.
4. SS:

- a)
- b)
- c)
- d)

e) All SS-leaders on whom the rank has been bestowed in an

honorary capacity, - irrespective of whether they acted as leaders or not - , since they were mostly sponsors and supporters of the SS, who by their support have rendered services of such value to the SS that they should rather be classed more strictly than an ordinary active member of the SS.

Exhibit-Schmalzer No.75

- 2 -

Above excerpt is a literal copy of the Official Gazette
of the Bavarian State Ministry for Special Tasks, No.3/4.
of 3 September 1947. (2nd annual publication).

Nuremberg, 15 January 1948.

signed: Werner Brosa

(Werner Brosa)

Assistant Defense Counsel
of Dr. Flackner (case VI).

This is a literal copy
of document Bue 203.
Nuremberg, 18 February 1948.

signed: Dr. Hans Flackner

(Dr. HANS FLACKNER)

Seal:

Dr. Fritz Voser
Aargau notary

AFFIDAVIT

I, Dr. Ernst R. Fischer, residing in Baden near Zürich, Parkstrasse, have had the significance of an affidavit explained to me. I declare on oath that my statements conform to the truth and were made for submission as evidence to the Military Tribunal in the Palace of Justice, Nuremberg, Germany.

I was born on 4 May 1897 at Hannburg/Saale, attended the Realgymnasium there up to my final examination, subsequently studied law, and in 1922 entered the Chemische Fabrik Grisehain-Elektron. There I was first engaged as assistant to the personnel chief, later in the statistics department, and from the establishment of I.G. until the middle of 1932 as Prokurist in the central book-keeping department. From 1932 to 1945 I was sales manager for the mineral oil products of Sparte I of I.G.

I have known Dr. Heinrich Buetefisch very well since 1927 through our close professional co-operation and personal relations. I know the following in respect of his honorary rank with the SS:

1) The relations of Buetefisch to the SS resulted from his technical co-operation with Brabag (Braunkohle-Benzol AG) and its Vorstand member, Fritz Kranefuss.

Kranefuss was a relative of Wilhelm Koppler who had a decisive influence in the establishment of Brabag. With the establishment of Brabag, Kranefuss became a Vorstand member of this company. In three of its projected plants Brabag decided to utilize the I.G. high-pressure process. This required very close technical co-operation with I.G. Therefore Professor Krauch and, after his retirement in 1938, Dr. Buetefisch was appointed technical consultant to the Vorstand of Brabag.

- 2 -

Through his objectivity, his comprehensive technical knowledge, and also particularly as a result of his lack of bias Bueteifisch was accorded great respect and regard by Kranefuss. Kranefuss was a peculiar character, I know him well through collaboration over many years and through personal contacts. He was a high SS-Fuehrer and thoroughly versed in the precepts of the SS, for example in its organizational concepts. Yet he was an idealist blessed with the heart of wills to do good; but he lacked knowledge of the world and reality and was in need of human compassion. His connections with the Reichsfuehrung-SS enabled him to intervene successfully in numerous cases against measures of the party or SS offices. He was amenable to reasonable arguments, and through him it was possible to prevent or compensate for many a stringent measure. (Uebergriffe). Bueteifisch was able to use the confidence he enjoyed with Kranefuss, in numerous instances, in order to intervene on behalf of political persecutees or oppressed people. To illustrate, I recall inter alia cases A. von Weinberg, Dr. Deonath, and Dr. Schaumburg.

2) At the beginning of 1939, Bueteifisch was offered an SS rank by Kranefuss. Bueteifisch avoided this offer for a long time and, to the end, he sought reasons for not accepting the offer of rank. It was hardly possible for Bueteifisch to state his express and determined refusal of the rank offered to him in the existing circumstances, since such a refusal would at least have meant the end of collaboration with Kranefuss. This would also have put an end to the worthwhile chance of intervening in the ever increasing emergency cases on behalf of oppressed persons. Quite apart from all other apparent consequences which an open refusal would have had.

Bueteifisch therefore established a series of reasons which, in his opinion at that time, should have prevented the rank being conferred.

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He stated that he was not in a position to act officially as an SS-Fuehrer in particular he could not and did not wish to wear an SS-uniform. Moreover he could not bind himself to take part in demonstrations of the SS or of the Party. Above all, he stated that he could not subject ^{himself} to the authority of the SS for professional and personal reasons since he wished to retain the freedom of his convictions and behavior. Contrary to expectations Kranzhaus accepted these reservations on the part of Duefisch. Hence on the one hand it was no longer possible for Duefisch to make any further refusal, and on the other hand, the material reasons for such a refusal were substantially removed since these reservations made the SS rank tantamount to a pure formality. All this was thoroughly discussed by Duefisch and Kranzhaus, sometimes in my presence, since Kranzhaus at the beginning of 1939 continuously reverted to his intention of making Duefisch accept an SS rank. As I recall, a rank was then conferred upon Duefisch about the middle of 1940. As far as I recall this rank was that of an SS-Stammfuehrer.

3) In the following period, Duefisch strictly adhered to the reservations made at the conferment of the SS rank and I have never seen him wearing the SS-uniform or even insignia. As far as I know, he did not even own an SS-uniform. As Duefisch told me at the time, he never was sworn into the SS and I suspected that Kranzhaus expressly permitted this circumstance to exist in view of the special conditions of the conferment of the SS rank. To my knowledge, Duefisch never appeared as an SS-Fuehrer either.

In the spring of 1944 Kranzhaus attempted to make Duefisch forego the stated reservations by urging him to don the uniform at special functions. Duefisch thereupon remained entirely consistent and faced a showdown.

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In full recognition of the possible and probable consequences of his action, he requested that his name be stricken from the list of SS officers since the request to wear a uniform and other demands made of him in this connection, meant a limitation of his personal freedom and did not comply with the assurances given to him on the conferment of the rank. Then followed very serious discussions between Buetefisch and Kranefuss of which I heard through statements made by both parties. Kranefuss ultimately had to assume the task of presenting the desire of Buetefisch for his name to be struck from the SS list to the Reichsfuehrer. It is only owing to the fact that Kranefuss, as he then stated, wanted to await a favorable moment to undertake this mission which was undoubtedly very unpleasant for him, that Buetefisch was not stricken in spite of repeated requests. As a result of his resistance, Buetefisch was at least able to maintain recognition for his original reservations, and no similar demands were ever again made of him by the SS.

4) The respect and regard which Buetefisch enjoyed in the eyes of Kranefuss, caused Kranefuss also to draw Buetefisch into the so-called Circle of Friends of the Reichsfuehrer-SS, in 1939. From the statements of other members of the Circle of Friends known to me, I gained the impression that its activities were of no political significance, but were substantially of a social nature.

5) As already mentioned, Buetefisch frequently claimed the aid of Kranefuss in matters affecting the personal or professional fates of individual, oppressed persons. He was able to use this aid frequently and successfully, precisely because he never tried to take advantage of his acquaintance with Kranefuss for personal ends. Buetefisch was similarly disciplined to not take advantage for I.G. through his relations with Kranefuss or by virtue of his SS rank.

- 5 -

Kranefuss told me on several occasions that this attitude was the basis of his special respect and regard for Buetefisch.

Baden, 25 September 1937 (Signed): Dr. Ernst R.
Fischer

Certificate:

Sworn and signed before me a Notary public of the Aargau Canton at Baden this 25th day of September 1937, by Dr. Ernst R. Fischer, known to me to be the person making the above affidavit.

(Signed): Dr. Fritz Veser,
Notary

Stamp: Dr. jur. Fritz Veser, Aargau Notary.

This is to confirm that the above is a true and correct copy of the document Buetefisch No. 201.

Muerenberg, 19 February 1948

(Signed): Dr. Hans Flaeckhauser,
Dr. Hans Flaeckhauser

AFFIDAVIT

I, Friedrich Wilhelm Ziervogel, residing at Esen-Bredeney, am Ruhrstein-49, have been told that I am liable for punishment for giving false testimony. I hereby declare under oath that my statement is conform to the truth and was given to furnish evidence for the Military Tribunal at the Palace of Justice, Nurnberg, Germany.

I was not a member of the Party and I possess a political exoneration certificate (Entlastungs-Zeugnis) on the basis of the regulations of Decree No. 79 of Military Government. From 1937 to 1945 I was chief business manager of the economic group Motor Fuel Industry (Kraftstoffindustrie), since 1945 I am a Vorstand member of Ruhrgas A.G. Essen.

I have known Dr. Bustefisch since 1934, who was in the Beirat (Advisory Board) and during the war head of the economic group Motor Fuel Industry. As chief business manager I constantly had business with Dr. Bustefisch, whereby we often had occasion for private conversation.

So frequently I spoke with Dr. Bustefisch about the various members of the Beirat of the economic group, and in 1942 I was motivated to inform Dr. Bustefisch of the fact that Herr Kranefuss, a member of the Beirat, and whom I knew to be a Higher SS-Leader, was trying to have me removed from my position. He knew that I and also my deputy did not belong to the Party and in his opinion we did not have the necessary contact with the Party offices. Dr. Bustefisch replied to me that, as long as he was the head of the economic group, he would not

- 2 -

tolerate that such intentions ever materialised. For him individual ability and not political attitude was the important thing. Moreover he would talk to Kranefuss and ask for explanations; that he worked together with him as a colleague in the Brabag and he would put matters right in open discussion.

It was first after the collapse in 1945 that I found out from another source that Dr. Bustefisch had, upon the instigation of Kranefuss, received an honorary rank in the SS. It is characteristic for Dr. Bustefisch that he never mentioned this fact nor in anyway made use of it on the outside. I never saw Dr. Bustefisch wear a uniform nor a badge. I know that the National-Socialist philosophy left him absolutely indifferent, and I am convinced that Bustefisch only accepted the honor which Kranefuss bestowed upon him in order not to disturb the friendly relationship with the latter, and, on the other hand in order to retain sufficient influence with Kranefuss so as to be able to efficiently help his co-workers, who, for political reasons, found themselves in straits. This manner of acting entirely conformed to his character.

Dr. Bustefisch was considered by all members of the economic group at the meetings of which he had to preside in the war, as entirely void of political interest. He did not hesitate to criticise, within this circle, any measures of the government or the Party which seemed to him to be harmful. His frank and lucid manner and his technical capabilities made Dr. Bustefisch very well liked by all members of the economic group.

Nasen, 2 February 1948

(signed): Friedrich Wilhelm Ziercke

I hereby certify the above signature of

DOCUMENT BOOK X BUETEFISCH No. 92
EXHIBIT No.

- 3 -

Dr. Friedrich Wilhelm Ziervogel of Essen.

Essen, 3 February 1948

(signed): Ewald Leveloh
Notary Public

Seal: Ewald Leveloh
Notary Public in Essen

Document Roll No. 70/1948.

This is a literal copy
of Document Bue 92.

Nuernberg, 7 February 1948.

(signed): Dr. Hans Flaechsner.
(DR. HANS FLAEOHSNER)

AFFIDAVIT

I, the undersigned Hanne Gierlichs, residing at Leverkusen/Rhein, Kaiser Wilhelm-Alle 3, have been told that I am liable for punishment for giving false testimony. I hereby declare under oath that my statement is conform to the truth and was made to furnish evidence for the Military Tribunal at the Palace of Justice, Nuernberg, Germany.

In 1946 I gave Dr. Buetefisch, with whom I was in Kramsberg, a written description of the von Weinberg case dated 19 August 1946. The facts as presented in my writing of the above-mentioned date are entirely conform to the truth with the one exception that, as I found out in the meantime from Count Spreti, the son-in-law of Herr von Weinberg, his father-in-law was not actually arrested in November 1941 but in June 1942, so that the entire incident took place at this latter date. Otherwise I having nothing to add to the description of the events in my writing nor have I any corrections to make, and I declare under oath that the facts as presented in my written deposition of 19 August 1946 of the Arthur von Weinberg case and sent to Dr. Buetefisch and attached to this affidavit, are the absolute truth,

AFFIDAVIT

I, the undersigned Hanna Gierlichs, residing at Leverkusen/Rhein, Kaiser Wilhelm-Alle 3, have been told that I am liable for punishment for giving false testimony. I hereby declare under oath that my statement is conform to the truth and was made to furnish evidence for the Military Tribunal at the Palace of Justice, Nuernberg, Germany.

In 1946 I gave Dr. Buetevisch, with whom I was in Kramsberg, a written description of the von Weinberg case dated 19 August 1946. The facts as presented in my writing of the above-mentioned date are entirely conform to the truth with the one exception that, as I found out in the meantime from Count Spreiti, the son-in-law of Herr von Weinberg, his father-in-law was not actually arrested in November 1941 but in June 1942, so that the entire incident took place at this latter date. Otherwise I having nothing to add to the description of the events in my writing nor have I any corrections to make, and I declare under oath that the facts as presented in my written deposition of 19 August 1946 of the Arthur von Weinberg case and sent to Dr. Buetevisch and attached to this affidavit, are the absolute truth,

- 2 -

and I would like to make them the subject of my
today's affidavit.

Muernberg, 17 February 1948.

(s) vs Gierliche
 Anna Gierliche)

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- 2 -

and I would like to make them the subject of my
today's affidavit.

Muernberg, 17 February 1948.

(signed as Gierlich
anna Gierlich)

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Hanns Gierlich

Kranberg, 18 August 1946.

Dear Dr. Bueteifisch,

In the expectation that the following testimony will be of interest to you I take the liberty of confirming the following to you.

In November 1941 the I.G. Farben Industrie was informed by members of his family that the firm's former supervisory board member for many years and founder of one of its parent firms, Privy Councillor Dr. Arthur von Weinberg, was in the course of anti-Jewish measures, taken from the family estate of his son-in-law in Bavaria and brought to Munich, from where he was to be sent on elsewhere. There was no doubt in the minds of the management of the I.G. that everything would have to be done to help Privy Councillor von Weinberg, and that on the other hand all efforts could only have at least a minimum chance of success if they were undertaken directly at the Reich Security Main Office. Even though one very well knew that efforts of this sort in the interest of Jews might entail dangerous consequences both for the firm and especially for those directly concerning themselves with the affair, since clear-cut warnings against any intervention in favor of Jews had been given in a number of official announcements, you, nevertheless, undertook to procure an interview with the Gestapo in the Prinz-Albrechtstrasse in order that we might attempt to obtain a repeal of the measures taken by explaining the merits of Privy Councillor von Weinberg. Since I, due to my working on other matters in the interest of the v.W. family

- 2 -

was well-informed on the personal affairs of Herr v. W. I accompanied you during these negotiations. After not inconsiderable difficulties we finally succeeded in receiving the promise that the matter would be given consideration and that Munich would be called requesting that further transfer of Herr v. Weinberg be suspended pending final clarification of the case. Unfortunately we found out two days later when we again undertook a step that, even while we were talking, Herr v. Weinberg had already been transferred to Theresienstadt.

Continuing our efforts it was then decided that the chairman of the Aufsichtsrat of the I.G., Prof. Krauch, should nevertheless send a petition to the Reichsfuehrer SS requesting the release of Herr v. W. Again you succeeded in having this petition actually reach Himmler by the fastest means.

As I remember this petition was, in principle, given proper consideration and Herr von Weinberg was permitted to live on the estate of his second son-in-law von Lobkowitz in Hocklenburg under the condition that the competent Reichstatthalter be in agreement with this. Pertinent negotiations with the office of the Reichstatthalter were conducted directly by the family, but unfortunately it was only later that we found out that the family in the end did not receive this permission in spite of the general approval of the Reichsfuehrer SS.

ENCLOSURE TO DOCUMENT X HUBERFISCH No. 266
EXHIBIT No.

- 3 -

I would, of course, gladly certify to the above account on oath at any time or as a witness. I would also like to mention that I am acquainted with a number of other cases in which you personally energetically intervened on behalf of persons who had encountered great difficulties for racial or political reasons.

With kind regards

Your

signed Gierlich.

APPIDAVIT

I, Dr. Wilhelm Wenzel, residing at Kirch Goens near Butzbach, Pfeifergasse 13, have been warned that I am liable for punishment for giving false testimony. I hereby declare under oath that my statement ~~is~~ conforms to the truth and was given to furnish evidence for the Military Tribunal at the Palace of Justice, Wuerzburg, Germany.

Born on 21 September 1902 I studied chemistry at the Technical Academy in Darmstadt starting 1921 and received my degree in 1928. In 1929 I entered the employ of the I.G. Farben Industrie Ludwigshafen-Opau as a chemist, and from 1934 until 1945 I worked at the Leuna plant.

I was in close contact with Dr. Heinrich Buetefisch during my activity at the Leuna plant. Since 1938, at his request I had to work on special chemical problems. In connection with reports on them I had regular talks with him. Since 1943 I had to make critical investigations in regard to certain special chemical and operational questions for Dr. Buetefisch. This necessitated current talks with him, mostly at intervals of only a few days. My office, since the end of 1943, was situated close to that of Dr. Buetefisch. I therefore had a close and constant insight into the intentions and measures of Dr. Buetefisch. This insight was also deepened through occasional conversations which I had with his secretary, Herr Seiler.

By accident, during the war, I found out from an outside acquaintance that Dr. Buetefisch had received a rank in the SS. I could not believe this information at the time and for the following reasons.

- a) Neither I nor any of my acquaintances ever saw an outward sign that Dr. Buetefisch had an SS-rank. Dr. Buetefisch never, as far as I know, wore an SS uniform. He did not even wear an SS badge

- 2 -

or any other National-Socialist insignia, not even on special occasions, for instance, when representatives of higher State or Party Offices visited the Leuna plant. Nor did I ever notice that he himself received representatives of SS formations or had any connections with them. But it seems to me that it would hardly have been possible for Dr. Buete-fisch to have had close contact with the SS without my or other people around him noticing it. The SS title of Dr. Buete-fisch was unknown not only at Leuna but, according to my impression, also at all other places where Dr. Buete-fisch had functions and where I also went occasionally.

- b) But above all, the assumption that Dr. Buete-fisch carried an SS rank is hard to harmonize with his entire nature and attitude. Dr. Buete-fisch, in his thoughts and actions, was only guided by considerations of a purely technical, economic, and organizational character. Political considerations (for instance, the evaluation of a person according to ideological or racial principle) were entirely foreign to him. His non-political nature and his marked matter-of-fact attitude were the opposite of what one would have expected from an SS leader.
- c) To that must be added that Dr. Buete-fisch's relationship to National Socialism was not a good one, according to my impression. From talks with Party members who held Party offices I knew that he had been decidedly disapproved of by the NSDAP ^{owing to his former membership} of a lodge. On the other hand I knew that Dr. Buete-fisch had a negative attitude towards the Party and its measures. For instance, his secretary, Herr Seiler, told me that Dr. Buete-fisch regularly declined official invitations from Party and similar offices saying that, he did not have any time for this "nonsense".

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concerning his particular attitude towards the SS the following characteristic example is still in my memory: When, towards the end of the war, upon the order of Commissioner General Geilenberg, a large number of small gasoline production plants were built all over Germany, the SS also undertook to construct a number of these plants. Dr. BueteFisch made sarcastic remarks about these measures not only being futile but also condemning the entire behavior of the SS in the strongest terms. Kirch Goens, 9 October 1947.

signed: Dr. Wilhelm Wenzel.

Doc. File No. 1526.

I hereby certify the genuineness of the above signature of Dr. Wilhelm Wenzel, Chemist, residing at Kirch Goens near Butzbach, who identified himself through presentation of his identity card No. H 166921 issued by the Landrat of the district Friedberg (Hessen) on 12 October 1946.

Aschaffenburg, 14 October 1947

Stamp:
Dr. Hermann Leeb
Notary Public
in Aschaffenburg

signed: Dr. Leeb
(Dr. Leeb)
Notary Public

Fee § 39.24 NO:	4.-- RM
Turnover tax	-.12 "
Total	4.12 RM

signed: Dr. Leeb
(Notary Public)

This is a literal copy of Doc.
Bue 144.

Luernberg, 13 February 1948

signed: Dr. Hans Flaechener.

A f f i d a v i t .

I, Hans Grich Chueden, residing at Wiedenhausen Kr. Celle, having been duly warned that a false affidavit on my part will render me liable to punishment, hereby declare, on oath, that my statements contain the truth and were made to be submitted in evidence to the Military Tribunal at the Palace of Justice, Nuernberg, Germany.

As an old friend and close collaborator of the Grabs I had several conversations with Kranefuss about the "circle of friends", and from my recollections about this circle and Kranefuss's attitude towards it I can make the following statements:

The so-called circle of friends, after 1936, was entirely Kranefuss' creation and he cultivated and cared ^{for} this favorite idea of his. If I remember rightly the circle grew from small beginnings around 1932, i.e. before the accession to power, with the idea of acting in an advisory capacity to the economic adviser of Hitler, Keppler, regarding the ideological reconstruction of the German economy on National Socialist lines. Since these schemes came to grief very rapidly in the face of reality and since Keppler's influence waned, the object of these advisers became redundant.

Much later - according to my recollection this may have been around 1936 - Kranefuss reverted to this idea of an advisory body and he managed to interest Hitler. He succeeded in including a fair number of economists and leading men in business and finance

- 2 -

to attend the Party rallies in Nurnberg as invited guests of the Reichsfuehrer. His aims were twofold: for one thing, to acquaint with and reconcile to the ideology and objects of National Socialism the ^{whole} leaders of economical life . . . of, and secondly, to create in this manner an opportunity, by mutual intercourse and acquaintance with leading party men, of preventing extreme mistakes and misconstructions of the NS economic policy. The latter in particular were in Kranefuss' mind, for his keen eye and highly critical judgment recognised the grave and menacing injuries which, he realised, he was unable to master by himself.

At that time Kranefuss conceived the idea of the "circle of friends of the Reichsfuehrer" which did not involve any other tie among the members of this circle except that they used to be invited to the Party rallies at which they enjoyed privileged treatment in Nurnberg. No association with Himmler ^{or} with the SS was neither demanded nor expected.

In time, particularly after the outbreak of war, all the original ideas which Kranefuss had had in connection with this circle vanished. There remained the pleasure which the members might have derived from joint social gatherings at regular intervals and the exchange of their views and experiences.

Kranefuss was the promotor of these meetings. He went to great lengths ^{to} keep alive the interests in these evenings.

- 3 -

to this and he lent an official touch to the invitations, as for instance, with the phrase, "The Reich Fuehrer SS requests the pleasure....." I at any rate had always derived some mild amusement from the somewhat childish way in which Kranefuss endeavored to keep his flock together and to surround this office with a certain degree of dignity and importance. However I felt tempted to cure him of this weakness with a joke or an ironical remark, I never the less desisted time and again because I knew how sensitive and deficient in sense of humor Kranefuss was in these matters of sentiment and vanity.

Since I personally never attended these gatherings I cannot say from ^{my} own observation how these evenings went off. I only know from Kranefuss and his secretary after these events that "again it was very nice", "one of the circle gave an interesting talk", "the following new jokes went around", etc. If something really interesting and novel had been discussed Kranefuss probably would have told us.

According to an observation by Kranefuss Dr. Bustofisch, as far as I remember, was invited by Kranefuss to these friendly evenings from the beginning of 1939. These invitations were no doubt intended to be a special distinction conferred on Dr. Bustofisch by Kranefuss. Dr. Bustofisch, for his part, could not very well refuse such an invitation without rupturing his relations to him.

Hienhausen, Kr. Celle, 18 February 1948.

signed: Hans Erich Chueden
(Hans Erich Chueden)

- 4 -

No. 32 of the document roll for 1948

Sworn to and signed before me in Celle this 18th day of
February 1948 by the journalist Hans Erich Clausen of Wietzenhausen,
Kreis Celle, known to me to be the person making the above
affidavit.

signed: Dr. Wollhausen,
Notary public.

(L.S.)

Value: RM 3 000 -

Fee article 26, 39 RM
Turnover tax

(which cost regulations)

4,-- RM

0.12 "

4.12 RM

Dr. Wollhausen,
Notary public.

. . .

I hereby certify that this is a literal and correct
copy of the original document before me.

Buerenberg, 28 February 1948.

signed: Dr. Hans Fleckhauer,
Attorney.

AFFIDAVIT

I, Karl Blessing, residing in Vaihingen/Enz, Stuttgarter Str. 67, having been duly warned that a false statement on my part will render me liable to punishment, hereby declare on oath that my statements are the truth and are made to be submitted in evidence to the Military Tribunal in Nuernberg, Germany.

From 1934-1937 I was a collaborator of Schacht's in the Reich Ministry of Economics, and from 1937 to 1939 a member of the Reichsbank directorate. At the beginning of February 1939 I was recalled by Hitler from the last named position because I was unwilling to subscribe to the inflationary financing of rearmament. I then joined the German management of the Anglo-Dutch Unilever concern. In the summer of 1941 I was removed from this post at the instigation of Heydrich, Backe and Goering because I objected to political interference with the concern. From autumn 1941 to the end of the war I was actually a conscripted Vorstand member of the Kontinentale Oel A.G.

Subsequent to my removal from the Reich bank Frankfurt, whom I knew from my work at the Reich Ministry of Economics, called on me and told me that I had taken a dangerous course. In the first place I had opposed the wishes of the supreme leadership in regard to the Reichbank and now I had joined, on top of that, the Unilever concern.

- 2 -

which he personally liked but which was regarded by the party as a "Jewish capitalist undertaking". Apparently I lacked every kind of political flair. Since he had come to know me as an economist of integrity and objectivity, he would like to guard me against trouble. Subsequently he sent me an invitation to one of the evenings of the so-called circle of friends or Koppler circle. Having heard elsewhere and as confirmed by Kranefuss that it was merely a social gathering, that I was not compelled to show there any obligations or loyalties, and that the circle was not a properly constituted society, I accepted the invitation. After that I was regularly invited. About the same time, in spring 1939, Dr. Buetafisch as well was invited to the circle by Herr Kranefuss, member of the Vorstand of the Brabag. Dr. Buetafisch and I being now to the circle we came to know each other at these gatherings and I know that Dr. Buetafisch was being invited on the same understanding regarding the character of the circle as represented by Kranefuss.

These evenings were purely social events. We had supper together and then split up into small groups. Sometimes a lecture was given which related to cultural or scientific matters, on a few occasions a movie was shown. The evenings were predominantly attended by prominent men of economical life. Besides, SS members like Kranefuss, Koppler, Heyler, Hilgenfeld, were present regularly. Otherwise the guests varied a great deal since evidently they were only invited now and again. Himmler himself appeared only very rarely; I only remember having seen him two or three times from 1939 to 1944 at these evenings.

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I personally, and I know the name of Dr. Buetevisch, never came to know him well at all. We were only introduced to him briefly. Neither Dr. Buetevisch nor myself ever had a conversation with him. Being new to the circle we received little attention from the prominent SS leaders.

The evenings were to take place in the "Haus der Flieger" every 4 weeks during the summer months from June to September. But in the interval likewise, frequent interruptions occurred, which during the war were due to the increasing transport difficulties. In 1943 the circle, owing to the above circumstances, was in danger of petering out, and in this year no evenings were held for many months.

On these evenings SS affairs were never discussed. Even political discussions were forbidden by Krenfuss. Matters like Security Police, Gestapo, labor mobilisation, and concentration camps were never referred to, not to mention atrocities as they became known later. The circle, at any rate at the time when I knew it, was a kind of beer club or smoking club (Istak-collegium), where one had an opportunity of talking with one or the other close acquaintance about what one had on one's mind. For instance I had long discussions with Count Bismarck on these evenings regarding measures for the overthrow of the regime.

As regards the donations these were definitely, from 1939 on a purely personal affair of Krenfuss or Baron Schroeder. The circle as such

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in its entirety never concerned itself with these donations or determined their amount. Brenneiss or Baron Schroeder approached every one individually and asked for a donation.

As regards Dr. Bustefisch I am positive that he never took a prominent part in politics. Although Brenneiss obtained for him an honorary rank in the SS, he never made use of it. I have never seen him in uniform, and I am firmly convinced that only a few knew/t all that a rank had been bestowed on him.

Bustefisch retained his common sense, his critical faculties, which he did not disguise, to the last days of the collapse. He was entirely wrapped up in his profession as a chemist. In the circle of friends it never seems evident that any one of the guests represented their firm. There was no cause for it during the conversations. The invitations were of a purely personal nature; it would be a misconception to suppose that I had acted as the representative of the Unilever concern or later of the Kontinental Gummifabrik A.G.; I was invited simply as Herr SIESSING. It would be equally mistaken to maintain that Bustefisch represented the I.G. or the party. That he was working for the I.G. cannot be and could not be disguised but I have never been able to observe that Dr. Bustefisch ever derived an advantage from his participation in the circle of friends for his firm; leave alone for himself.

Both Dr. Bustefisch and I took part in the visit of the circle of friends to the Simlari Field Command in December 1943.

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I recollect that on the return journey Dr. Buete-fisch gave vent to his disgust that men, whose leisure time was very restricted owing to overwork as a result of the war, had been prevailed upon to appear at such an empty and meaningless function.

Dr. Buete-fisch, like myself, was most profoundly disappointed that Himmler, in his speech concerning the hopeless war situation had only talked platitudes of the kind one could read every day in the "Voelkische Beobachter". The remainder of his speech, likewise, as far as I am able to recollect, appeared to me to be entirely futile. For instance, Himmler mentioned that he was fully aware of his public reputation as an extremely ruthless and dangerous man, but that this was in fact without foundation. In any case it was advantageous, he said, if this false reputation went before him.

I remember that on the return journey to Berlin by sleeper I discussed the event as such and the speech by Himmler with Dr. Buete-fisch, and that both of us expressed our deep disappointment on very much the same lines.

Vaihingen-Ems, 12 January 1948.
signed: Karl Blessing.

Sworn to and signed before me at the district notary's ^{Office}/Vaihingen-Ems this 12th day of January 1948 by Herr K a r l B l e s s i n g, retired Reich Bank director

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of Veihingen-Ens, Stuttgarter Str. 37, known to me
to be the person making the above affidavit.

Veihingen-Ens, 12 January 1948.

(L.S.) Notariate Kanger:
signed: Vogel
Inspector of Justice,
- as Notary Public -

Fees arising from value determined
at RM 3000 according to charges
as per article 39 Reich Court regulations 4.-- RM

Kot. Reg. No. 10/1948
A.V. 11/47 No. 81

(L.S.) signed: Vogel,
Inspector of Justice.

This is to certify that the above is a literal and
correct copy of the original document before me.

Nuernberg, 21 February 1948.

signed: Dr. Hans Ploechner,
Attorney.

DOCUMENT BOOK I - SUBSERIES No. 204
EXHIBIT No.

MILITARY TRIBUNAL No. IV, Case V.
Court Transcript of 18 August 1947
Session from 9.30 - 12.30 Hours

(Examination of the witness Blessing)

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Page 568c

A After I had finished school in 1920 I joined the Reichsbank and from 1920 until 1930 I was an official in the Reichsbank. In 1930 I was sent to the Bank for International Settlements in Basel as a delegate. From 1934 onwards I was again in the Reichsbank. Dr. Schacht called me back from Basel. In August 1934, I was delegated to the Reichs Ministry of Economics and there I worked until June 1937. In June 1937 I went back to the Reichsbank as an official there and became a member of the Directorate of the Reichsbank. On 2 February 1939 Hitler called me away from my position, because I had declared to Mr. Funk that I thought Hitler's course dangerous to Germany and that I did not approve the inflationary policy of armaments. After that I became a member of the German Administration of the English Dutch Unilever Concern. There in the Summer of 1941 on the instigation of Goering, Mr. Backe and Heydrich I was removed by the Gestapo from Unilever. After that I was transferred to the Continental Oil, A.G. and remained there until the end of the war.

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Page 568c

DR. FLAEGHSNER: This was only a side point. My main interest in this witness is that he should explain to the Tribunal of the gatherings which took place in the "Keppler Circle", which later became the "Circle of Friends".

By DR. FLAEGHSNER:

F: Now, Mr. Blessing, would you please tell the Tribunal what the reason was for your receiving an invitation to the meetings of the Keppler Circle or the Circle of Friends, as you might call it, particularly from what point and on what date you received these invitations and how it came about that you should be included there.

DOCUMENT BOOK Y - BURKEFISCH No.204
EXHIBIT No.

MILITARY TRIBUNAL No. IV, Case V.
Court Transcript of 18 August 1947
Session from 9.30 - 12.30 Hours

(Examination of the witness Blessing)

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Page 5680

A After I had finished school in 1920 I joined the Reichsbank and from 1920 until 1930 I was an official in the Reichsbank. In 1930 I was sent to the Bank for International Settlements in Basel as a delegate. From 1934 onwards I was again in the Reichsbank. Dr. Schacht called me back from Basel. In August 1934, I was delegated to the Reichs Ministry of Economics and there I worked until June 1937. In June 1937 I went back to the Reichsbank as an official there and became a member of the Directorate of the Reichsbank. On 2 February 1939 Hitler called me away from my position, because I had declared to Mr. Funk that I thought Hitler's course dangerous to Germany and that I did not approve the inflationary policy of armaments. After that I became a member of the German Administration of the English Dutch Unilever Concern. There in the Summer of 1941 on the instigation of Goering, Mr. Backe and Heydrich I was removed by the Gestapo from Unilever. After that I was transferred to the Continental Oil, A.G. and remained there until the end of the war.

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Page 5685

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Page 5689

A: I knew Keppler and Kranefuss from the time of my activity in the Ministry of Economics. Keppler was the Plenipotentiary, by Hitler, on the question of economics at that time and Kranefuss was his associate. When, at the beginning of February 1939, I left the Reichsbank because I opposed the inflationary rearmament policy, I entered the English-Dutch Unilever firm, at a time when this concern, in Germany, was called Jewish capitalist. Kranefuss came to see me and said that I was taking a rather dangerous road. He wanted to warn me. Kranefuss said that in the Ministry of Economics he had to come to know me as an intelligent official and he wanted to help me. He considered the point whether it would not be best to give me an SS title. I told him at the time that neither spiritually nor physically did I fit an SS uniform. He therefore dropped the idea. Some days later, after this discussion took place, Kranefuss sent me an invitation to the Keppler Circle. I knew from my colleague Waldecker, who also worked in the Reichsbank, and also from my colleague Herbert Goering in the Reich Ministry of Economics, that this Circle met. I also knew that those meetings were of a purely social nature.

F: Just one moment, please. Will you tell the Tribunal what time this happened that you first received this invitation?

A: That must have been in February or March 1939.

F: What particular occasion was it when you received the invitation?

A: That was what we called a Bier-Abend in the House of the Air Force.

F: Did you go there?

A: I went there because I know from Herbert Goering and from Waldecker that they were purely social gatherings and I had a second reason to go there. There were some Dutch gentlemen who worked for Unilever who were visiting Keppler and Kranefuss regularly whenever they

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were over here in Berlin from London or from Rotterdam.

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They did so because Keppler, unlike many other party officials, had a certain understanding for the way Unilever worked, that is, the way a foreign concern worked. I therefore thought that it would be in the interest of my new activity that I should not offend Keppler and Krane-fuss, particularly since it was quite clear to me that I had taken over an extremely precarious position at Unilever in the National Socialist Germany of that time.

F: So for that reason you went there?

A: Yes.

F: Well, would you not tell us how such a gathering presented itself to a newcomer and later on also to anybody who went there regularly. What happened in such gatherings?

A: These gatherings were quite similar in pattern to any other social event. One arrived, one received a cocktail, then dinner was announced and there was the table order which was previously arranged. After the dinner one withdrew to the clubrooms and talked. Sometimes there was a lecture or talk by somebody and sometimes also a film shown. Apart from that, these men of the industry just gathered together in a corner, over a glass of beer, and discussed all their little troubles or big troubles. They just talked shop. Sometimes also they might tell Keppler about the troubles they might have had but the whole thing happened in rather private little discussions, just as any number of people after any social gathering might find themselves together in little groups and talk shop.

F: In the course of any of these gatherings was there ever any economic political discussion, or was there any advice on economic political questions through this Circle of Friends?

Page 5690:

A: No.

P: To put it in different words, were these gentlemen who gathered together there ever asked for their advice on any concrete and definite economic political questions

A: The Circle, in the way it was made up, was so little uniform that they could not have any definite or communal economic political opinion. As long as I belong

Page 5691:

ged to the Circle and received invitations to go to their gatherings, it never happened that any economic political discussion or consultation took place, or that definite concrete plans of an economic political character took place.

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P: So if I understand you correctly, Mr. Blesing, discussions of any definite character with regard to pre-

viously arranged topics which might have been suggested

and put at the discussions by Keppler or Kranefuss, never took place; is that correct? And that would have been because Keppler never brought up such topics.

A: The topics were not arranged. I remember one occasion when the discussion with regard to political subjects was rather heated and in the course of the heated discussion Kranefuss said it was not the task of this Circle to deal with any political matters and he asked them to drop the subject immediately and not discuss it further.

P: That means the discussion always revolved around private subjects, around subjects which were of the same interest to all.

A: Yes, the discussions remained privately as among people who had the same subjects and point of interest. So the gentlemen of economics discussed their daily trouble and worries.

Page 5692:

By the President: Did Kranefuss or Keppler lead the discussions in any way?

A: Your Honor, there were no discussions in any way. They were just quite voluntary and incidental discussions.

By the President: Did Keppler or Kranefuss go from group to group, or wasn't there any regular matter along that line?

A: No, your Honor, there was no definite arrangement in any way. Sometimes, of course, it happened that one person moved from one table to another, just as happens in any club or in any social gathering.

By the President: Did Himmler at this time ever come to this Circle?

A: Your Honor, during 1939 and 1940 I saw Himmler perhaps three times in this Circle. He would arrive, take part in dinner, pass a few jokes and disappear again. During 1941 and 1942 I don't think I saw Himmler at all. I only saw him once more when we were invited to come to Headquarters in December 1943. Himmler didn't know me personally because he addressed me by wrong name at the time.

Page 5693:

By Judge Richman: Were you a pretty regular attendant?

A: I always attended, when I was not out of town. That means in six out of ten cases.

By the President: We may have got a little ahead of your story.

Dr. Fleischner: I hope so.

By the President: I just carried on the thought, that's all.

Page 5693:

F: Mr. Blessing, this Circle of Friends who came because of an invitation, was there any rules under which they met ?

A: No, there were no rules under which we met. I never knew of any at any rate. There were no statutes; there was no application for admittance or anything. The invitations were sent out and which were signed by Mr.Kranefuss.

F: So if I understand you correctly, there was no organization as there would be in any registered society; there was no membership. Do I understand that? There was no membership fee, is that right ? Neither was there any formal admittance .

A: Yes, that is quite correct.

F: Was there a special exclusion of members - could members be rejected ? Was it, for instance, possible that you could express a wish that Mr.X should not be invited any longer ? Was there any ways or means by which you could express such a demand, and if you had expressed such a wish, the other members would have discussed and then made any decisions.

A. No.It would never have occurred to anybody to get nobody expelled, because since there was no admittance through members, there could be no expelling through members. I never heard that anybody even mentioned the subject of expulsion.

By the President: Were the expenses of these evenings paid by the participants in the first instance?

Page 5694:

Later I suppose not, but I am talking about the early times when it was the Keppler Circle, so called.

A: I don't know how it was at that time, because then I did not take part in these meetings. Later on when I became one of them we were invited to this evening, so the cost as far as I understood, was

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paid from the funds which the members of industry had put at the disposal of the Circle annually.

By the President: Yes.

F: (By Dr. Fleeschener): Now, I would like to come to this point of the so-called donations: After you had received invitations repeatedly were you also asked to take part in the donations and contributions on behalf of those companies which you represented, those donations which were collected once a year?

A: Yes, I was asked to do so, if I remember rightly, in the Fall of 1939. It was Kranefuss who asked me to consider whether we, just as all the others, would not make a contribution to this collection. One year later I then was asked by Baron von Schroeder. He sent me a letter and asked me to repeat this donation. The Uniliva-Concern paid twice, in 1939 and 1940. We made a contribution of roughly, if I remember, 15,000 Marks. So, that is 1939, we gave 15,000 Marks, and again in 1940 we gave 15,000 Marks. When I left Uniliva in 1940 - or rather when I was thrown out - we did not pay any more and the firm to whom I belonged afterwards, I did not make any contributions. I said to Kranefuss after I had been treated in that way by Goering and Heydrich, etc. I refused to make any more contributions. Mr. Kranefuss could understand that. I told him on the same occasion that he should refrain from sending me any more invitations in the future. But he thought I would only make it easier for the men around Heydrich to take steps against me. That is why I continued to go there even afterwards.

F: I suppose it was not possible to offend people like that without having to be afraid that very awkward consequences would result, isn't that right?

Page 5695:

A: Yes, there were some things which one could do, but there were a lot of things one could not do. Krane-

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Page 5695:

fuss was a very sensitive person, and we never knew how he would quite react to anything.

F: So you continued to be invited and you continued, as far as I understand from you, to accept these invitations. Now, the sequence at these meetings, was it always the same, or did sometimes special gatherings take place?

A: Well, sometimes a film was shown. Sometimes, for instance, the film about Tibet. There was a film about the air force. There was a lecture about the Bayeux Tapestry, and that also had a film with it. There was a lecture by one of the persons who had been in the withdrawal from Moscow and he came and told us his personal experiences. At one time there was a lecture about the German Hanged towns and their relationship to the East. Another lecture was by Mr. Kahr, with regard to the political-economic planning and the difficulties encountered in planning. These were the outstanding events which made the gatherings different from the ordinary ones.

By the President: Then Krenfuss or Baron von Schroeder asked you to contribute was anything said about the purposes for which the contributions were to be made?

A: Yes, indeed. I asked Krenfuss what they were going to do with the money, and he told me that he wanted it for social and cultural purposes. I understood that the money was to be used mainly to pay for the hobbies of Himmer with regard to the old Teutonic excavations and Teutonic research work.

By Dr. Fleckenstein:

F: Mr. Witness, were these donations made by you in your capacity as member of the Vorstand of the companies you represented, is that correct?

A: Yes.

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Page 5696:

Q: And did you consult your colleagues in the Vorstand or the other leading members of your firms, as to whether they had no objections to making such donations, is that correct? Did you do so?

Page 5697:

A: I had no authority to arrange about money, but I always needed the agreement and approval of one of my colleagues. I discussed this donation with one of my Dutch colleagues. He was a fervent hater of the Nazi movement, and I asked him what his thought about it. Well, he answered, "Well, if it is raining, you need an umbrella. We can't afford to lose the friendship of Keppler and Bruchmann at a time when we are in such a difficult position as a foreign concern."

Q: If I understood your testimony correctly, among the members in those gatherings there prevailed a conviction that the money which was collected was used in order to further those special cultural purposes for which Hitler did not have official funds, and without which he could not have pursued his Teutonic excavations, is that correct?

A: Yes.

Q: Do you know - or did you ever hear in any way that any of these funds were used for paying for a Tibet expedition?

A: Yes, I know about this. I had seen the film and I even met the leader of this expedition in the circle.

Q: When Mr. Schroeder who collected the money - Mr. Schroeder has testified to the same effect to the Tribunal, and among the purposes for which the money

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Page 5697:

was used he mentioned that the money should be used to restore the Jofelsburg. Do you know anything about it?

A: I only heard something of the fringe of a discussion about it, but I don't know any of the details.

F: Do you know anything about the fact that Himmler also needed money to restore those spinning and weaving works which he sponsored.

A: No, this is the first I have heard about it.

F: Now, Mr. Blooming, we have heard here from other witnesses that the Circle of Friends, or Koppeler Kreis as you may call it - any way in the early years, did not have those regular meetings but only met when invitations for the Party Rally were issued and for the gatherings on the occasion of the Ninth of November in Munich. Did you ever have opportunity

Page 5698:

through such an invitation to take part in the festivities of the Party Rally or of the Ninth of November in Munich? Or at the time you joined - that was during the war - did those gatherings take place any more?

A: I never took part in a Party Rally.

F: As far as I know, those events did not take place during the war.

A: That's correct, during the war none of those took place.

F: But there was ...

By the President:

Were you a member of the Nazi Party?

A: I was a member of the Party from 1937 onwards.

By Dr. Placchener:

F: But there was one event took place, and I wanted to ask you whether you went there. In December

- 13 -

Page 5698:

1943, Himmler had invited all the members who met at the gatherings. He had sent them invitations through Kronefuss and had asked them to come and visit him in his Field Headquarters. Did you take part in that visit?

A: Yes, I went there.

F: Would you tell the Tribunal how much you remember of this visit at the Field Headquarters?

A: I took part for two reasons: First, because it did not seem opportune to refuse such an invitation; and secondly, because I was interested to what Himmler thought about the quite obvious breakdown of the Nazi regime at this stage. Himmler made a speech

F: Just a minute, please. Will you please tell the Tribunal the whole course of events in chronological order? That means, when you arrived, where, what happened next - tell us how everything happened, in chronological order.

A: We received an invitation from Mr. Kronefuss to meet in the offices of the Bräug. There we received a -- a snack -- and from there we went by motor coaches to the Silesian station in Berlin where two sleeper-carriages had been added to a

Page 5699:

longish train, in which all participants had sleeper-berths. On the following morning we found ourselves in East Prussia, at a small rural station. I don't even remember the name of the station. It was near Loetzen. There we were met and taken to the Field Headquarters, which consisted of a few barracks. There we had breakfast. Then one exchanged impressions and had little chats, and after a little while Himmler came in. He discussed and talked to one or the other of the people whom he knew and then he made a speech, of about an hour, if I remember rightly.

Page 5699:

F: Now, what do you remember of the contents of this speech, Mr. Blessing?

A: I remember two things, which stuck in my memory particularly: The one was that Himmler was extremely optimistic as regards the military position in a very optimistic light. He was of the opinion that the German flag would still run up on the Ural Mountains. We were all of the opinion that that was nonsense. The second point I remember is that he said, "I know that I am considered a terrorist, although all this really isn't true. But I do cultivate this reputation in order to be considered abhorrent and in order to prevent people from trying to break the regime down. Of course, I could refute everything that is being said about me, but I don't want to do that, for this particular reason." These are the two outstanding points which I remember from his speech.

F: Now, Mr. Blessing, what I would be interested in is the question, were you ever present at any of the meetings during which either by lecture or in any other way the topic was: Jewish persecution and during which you were invited to take part in Jewish persecution?

A: I never heard anything like that in that circle at all. The Jewish persecution was never discussed.

Page 5700:

F: Did ever, in your presence or did other men who were present at a gathering which you did not attend, did they ever hear anything or tell you about it, that the SS, or shootings, mass murders, executions, cruelties and the extermination of whole races were discussed, any of those subjects, and do you remember having heard any of those measures being mentioned as necessities of the conduct of war?

Page 5700:

A: No, I cannot remember ever having heard anything connected with it from this circle, never.

The President: Can you give us the date of your last attendance at a meeting of the Circle?

The Witness: I think, your Honor, that was January or February 1945; but I do not remember quite correctly. Those meetings were often interrupted by bombings and air attacks. Sometimes they were cancelled altogether.

By Dr. Fleischner: Yes, of course, well in February 1945. Berlin was not such a very comfortable place to sit in, was it? That was very hard

By the President: Were you present at the meeting, where, I think it was Dr. Fleischner delivered an eulogy on Heydrich?

The Witness: No, your Honor, I wasn't.

P: Herr Blessing, in connection with the question we discussed before the recess, I have one more question to put to you. In this circle or on some other occasion did you ever hear anything about experiments carried out on inmates, concerning gassing, extermination machines and similar things?

A: No, never. I never heard anything about it.

P: Did you attend a meeting during which Herr Ohlendorf gave a lecture concerning his experience in the Crimea?

A: I never heard any lecture of that kind and I had no knowledge that Herr Ohlendorf had been on the Crimea. I knew Herr Ohlendorf as the representative of the director of the Reichs group Commerce and later on, as ministerial director in the Reich

DOCUMENT BOOK I - BUSTEPISCH No.204
EXHIBIT No. . .

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Page 5700:

Ministry of the Economy.

This is a literal copy of the
Document Bus 204.

Muornberg, 19 February 1948.

(signed) Dr. Hans Flaeckner
(Dr. Hans Flaeckner)

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E x c e r p t
- - - - -

from Document Dr.Buetefisch No.225
(Affidavit Walter Rosenkrantz of 12 February 1948)

.....

Before the end of the war I had no knowledge whatever that Dr.Buetefisch held an honorary rank in the SS. In any case I never saw him in uniform or with an SS insignia and, having in mind his behaviour in other respects I never could have surmised that he had a close contact with the SS. He had common interests of a multifarious nature with Herr Krenfuss through the management of the Braunkohle-Benzin A.G. (BRABAG), and probably also in the Wirtschaftsgruppe (Economic Group) Motor Fuel Industry. When I met the two gentlemen together on one occasion or another I never gathered the impression that their close relationship had anything to do with, say the SS, in which Krenfuss played a special role.

.....

Certified true copy of above excerpt from the Document
Dr.Buetefisch No.225 :
Nurnberg, 27 February 1948

(signed) Werner Bross
(Werner Bross)
Associate
Assistant Defense Counsel in Case VI

DOCUMENT BOOK X - BUSTEFISCH No.89
EXHIBIT No.

E x c e r p t

from the Document Dr.Bustefisch No.89

(Affidavit by Pelbitt of 29 December 1947)

.....

Thus, Dr.Bustefisch became a member of the Vorstand of the Breibag in 1938. The Vorstand visited the plants at certain intervals; on such occasions we gladly took advice from Dr.Bustefisch in questions relating to construction plans and production.

In my own case his suggestions were definitely limited to technical matters. He took no interest in affairs concerning plant management and in labor questions, inasmuch as such matters were not his responsibility as agreed.

After the outbreak of war in 1939 the visits to the plants decreased in frequency as time went on for reasons of transportation, and the meetings of the Vorstand were held in Berlin, to which the plant managers (Werkleiter) were invited in addition to the Vorstand.

The following persons belonged to the Vorstand proper: the Herren Kranefuss, von Bockelberg, Tenge, Wueraner, Hochechwender, Lindenberg and Bustefisch. Ohueden and Werthmann attended the meetings regularly, and, for the technical section, the plant managers Wagner, Wille and I.

Kranefuss, who probably was the "primus inter pares" in the Vorstand, placed great value on the participation of Bustefisch, for Kranefuss himself was not a technical man and had to depend on technically sound measures regarding his commercial work. We technologists greatly welcomed the collaboration of Dr.Bustefisch, because we had a

- 2 -

counterweight in him against Kranefuss, who was extremely egocentric.

In this connection Dr. Buete-fisch, in the interest of us, all was able quickly and skilfully to divert or prevent many a rash act by Kranefuss. In every respect he was a powerful counterpole to Kranefuss.

Only he who actually shared all these experiences can appreciate the difficult situation in which Dr. Buete-fisch often found himself. Dr. Buete-fisch was only able to effect this kind of compromise by cooperating with Kranefuss in the way of a colleague. The latter, who recognized and esteemed the valuable qualities of Buete-fisch, was trying to honor him, as far as I am aware by using his influence with the SS to have an SS rank conferred on him. Although Buete-fisch, as became known, was opposed to accepting this rank, he ultimately accepted, it probably early in 1939, in order to avoid disturbing the relationship which had been so smoothly initiated ^{and} was of advantage to us all, for Kranefuss was a hypersensitive person and easily offended. One thing I believe I can say on the basis of my information, namely, that Dr. Buete-fisch never made use of the honor for his personal gain, in fact that he never so much as exploited it externally. I never saw him in uniform, and I am convinced that only a few persons knew that he held an honorary rank in the SS. I myself do not know even today which high or low rank or function Buete-fisch had in the SS. He never discussed the subject with me or hinted at it, but

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often enough, he voiced his dissatisfaction with the system and its degrees, and was not sparing in the use of sharp words of criticism with regard to individual Party members.

His attitude towards Kranefuss, however, enabled Bueteifisch to intercede on behalf of us technical experts all the more vigorously. I know that in 1944 Kranefuss pressed for my dismissal from the post of works manager in Bohlen, because I did not have the necessary qualifications, according to his political concepts. A general plotting of the Party agencies was set in motion for the purpose of gathering evidence against me. In this connection Dr. Bueteifisch never ceased to influence Kranefuss until the latter abandoned his designs and until the management of the plant remained in the hands of a technical instead of a political man.

Still other examples of similar events could be cited. On such occasions Bueteifisch always shielded his colleagues, technical men and workmen, and it is worth noting that he invariably was able to get his way in the calm and matter-of-fact manner that Kranefuss respected.

I am of the opinion that the relations of Dr. Bueteifisch to Kranefuss, as a higher SS leader, were not based on a common attitude toward the tendencies of the SS, but exclusively on objective points of view.
... ..

Certified true copy of the above excerpt from the Document Bueteifisch No. 89.

Muernberg, 27 February 1948.

(signed): Werner Bross
(Werner Bross)

Assistant Defense Counsel
in Case VI

Affidavit

I, Dr.Ernst Rudolf Fischer, residing in Baden near Zurich, Parkstrasse, have been warned that I shall be liable to punishment if I make a false affidavit.I hereby declare on oath that my statements are the truth and that they were made in order to be submitted as evidence to the Military Tribunal in the Palace of Justice, Nurnberg, Germany.

1. I was born on 4 May 1897 in Naumburg/Saale, where I attended the Realgymnasium (secondary school) until graduation. I took part in the war of 1914/ 1918,after which I studied law. In 1922 I took employment with the chemical factory Griesheim-Elektron. After the merger of this firm with the I.G. Farbenindustrie A.G. I was employed as Prokurist of the Central Bookkeeping Department of the I.G. in Frankfurt/Main until the middle of 1932. From 1932 until 1945 I was sales manager for the problem products of the I.G.; during the war my employment was suspended because of my service in the Reich Economic Ministry.

2. I have known Dr.Burtefisch for many years both personally and in business. In Berlin we shared an office which he used during his frequent presence in Berlin. Consequently I stood on the closest terms, personally and professionally, with Dr.Burtefisch during the many years of my association with him through my work. I was frequently present at his discussions and negotiations, including occasions when these did not directly concern me.

I learned of the donation of money by the I.G. to the SS when I was present at a conversation

DOCUMENT BOOK X - BULTEFISCH No.194
EXHIBIT No...

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which took place, so far as I remember, at the end of 1941 between Herr Kranefuss and Dr. Bultefisch. In the course of the conversation, which concerned in general the affairs of the BRABAG, Kranefuss asked Bultefisch and me whether the I.G. and the KINTI-OEL were willing to participate in a donation for the SS. At the time I immediately refused this request with the comment that the KONTINENTOEL already had higher bank debts than the Vorstand could be responsible for. Bultefisch expressed his astonishment that Kranefuss too was running around now with the collecting box; he made several remarks indicating his objection to all such donations which usually served other purposes than those represented. Thereupon Kranefuss gave the assurance that this donation would be used only for Christmas relief measures for the survivors of fallen SS men. Bultefisch then pointed out to Kranefuss that he had no authority to make appropriations of gifts, but at the request of Kranefuss he agreed to turn the matter over to Geheimrat Schmitz. Since the affair did not concern me, I did not follow it up, and consequently I do not now whether or not the I.G. officials authorized to make donations complied with the wishes of the SS. I assume, however, that the affair concerned a letter of thanks by the SS to Bultefisch for having received a donation, in which matter Bultefisch served only as an intermediary without authority or initiative in the matter.

Baden, 29 January 1948.

(signed) Dr. Ernst R. Fischer

Certification

The undersigned, Dr.Fritz Vosor, notary public of the Canton Aargau and advocate (Fuersprocher) in Baden, hereby certifies the above signature of Dr. Ernst Rudolf Fischer, whose residence is in Baden near Zurich and who is known to the undersigned as having legal capacity.

Baden, 29 Januar 1948

L.S.

The Notary:
(signed) Dr.Fritz Vosor
Notary

Certified literal and true copy of above document:

Muenberg, 16 February 1948

(Signed) Dr.Hans Flochsner

A F F I D A V I T

I, Gottlob B e r g e r , formerly Chief of the Main Office-SS (SS-Hauptamt), SS-Obergruppenfuehrer and General of the Waffen-SS, with residence in Geratetten, Kreis Heidenheim, Wuerttemberg, presently at the Palace of Justice, Nuernberg, have been warned that I shall be liable to punishment if I make a false affidavit. I hereby declare on oath that my statements are the truth and that they were made in order to be submitted as evidence to Military Tribunal No.VI in the Palace of Justice, Nuernberg, Germany.

Herr Kranefuss was in the General SS (Allgemeine SS) since 1933. As I learned, ^{the assistant of Keppler} Kranefuss came into contact with Hitler through various conversations which Keppler, the former economic delegate of the Fuehrer, had with the latter. Thereby a friendly relationship developed in the course of time between the two men. As a result Kranefuss was given promotions up to the rank of Brigadefuehrer of the SS, without ever having performed any official duties in the SS. He never held an office (Amt) in the SS. Furthermore, he never was an adjutant of the staff of the Reichsfuehrer-SS; he was merely listed as being on the staff of Himmler. Through his friendly relationship with Himmler Kranefuss was frequently in a position, moreover, to help men in private business obtain honorary ranks or promotions. In each case he proposed their names to Himmler, who then would issue the necessary orders.

I know that Keppler and Kranefuss also sponsored the so-called F r e u n d e s k r e i s (Circle of Friends). I do not know in detail how this Circle came into being or how it was made up. This Circle had no official connections with the offices or formations of the SS, and it had no influence on the leadership of the SS. It was known to only a few SS leaders in any case. The Reichsfuehrer himself seemingly regarded this Circle

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as merely a kind of means of contact between the
business and industry on the one hand and the SS,
on the other hand, and for this purpose he made use
of Keppler and Kranefuss, who had leading positions
in business.

Nuernberg, 12 January 1948.

(signed) G.Berger

I hereby certify the signature executed today in
my presence of Herr Gottlob Berger, presently
in the court prison at Nuernberg.

Nuernberg, 31 January 1948

(signed) Werner Brose
(Werner Brose)
Assistant Defense Counsel
in Case VI

Certified literal copy of Document Bueteifisch
No.59.

Nuernberg, 6 February 1948

(signed) Dr.Hans Plöschner
(Dr.Hans Plöschner).

DOCUMENT BOOK X - BUZEFISCH No.260
EXHIBIT No.

Dr.med.Braitmsier
Specialist
for internal and nervous
diseases

Berchtesgaden, 7 February
Nonstal 5. 1948

A f f i d a v i t

The undersigned physician specializing in internal and nervous diseases, Dr.Heinrich Braitmsier, born on 22 April 1880 in Tuebingen, presently residing at Nonstal 5, Berchtesgaden, has been warned that the making of a false affidavit is a punishable offense.

I hereby declare on oath that the following statements are the truth and that they have been made in order to be submitted as evidence to the Military Tribunal in the Palace of Justice, Nurnberg, Germany.

I have known Fritz Kraefuss, the Vorstand of the Braunkohle-Benzin-Werke, since about 1935; before then, I had heard of him and occasionally seen him. At that time he was employed in a Jewish banking concern in Hannover - I believe the name of the company was "Meyer". In later years, during the period of about 1936 to the end of 1940, I regularly gave medical advice and treatment to Herr Kraefuss and his family. I came to know him as a sensitive, soft and yielding person, who always desired the best for himself, his family and his working associates, but let himself be influenced easily by others - not always to his own advantage. He never harbored ill will, but gladly did good for others and helped them wherever he could. Particularly in my sphere of activities, industrial sanitation, health welfare measures and the establishment of plant medical service at the various plants of the large industrial concerns,

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I always found his support, with the result that I was able to help many persons who were in need and who were being persecuted. He made no discrimination on the basis of origin, religious creed, race or political convictions. Thus, through his agency, I was able to obtain the release from the concentration camps, to give help to, or to save the lives of, the following persons: Molkenbuhr, formerly member of the Reichstag as a Social Democrat; the leader of the Social Democrat Students' League, Dr. Carlo Mierendorf; various clergymen and a number of leaders of the Austrian resistance movement.

Kranefuss was on friendly terms with Reichsfuehrer Himmler and, as I was able to observe time and again, thought a great deal of him personally and believed in him. He considered Himmler a very discreet and proper person, from whom he would never have expected any criminal acts. I never heard from Kranefuss that the extermination measures - of which I also heard nothing until the war was over - had been taking place and were known to him. Since it was otherwise his practice to impart to me everything that was on his mind, I confidently believe that he would have discussed this matter with me, because, as an extremely sensitive person, the knowledge of inhuman actions would certainly have so upset him that he would have discussed them with me as his father confessor. He condemned the coercive measures of the Third Reich, especially the policies toward the Jews, and he expressed his objections to the establishment of concentration camps and ghettos.

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I happen to know that Herr Kranefuss was a close collaborator of Dr. Buete-fisch in industry. He thought a great deal of the knowledge and ability of Dr. Buete-fisch, with whom he came into a closer personal and human contact when the wife of Dr. Buete-fisch became seriously ill. At the request of Kranefuss I was consulted for advice and diagnosis and, as a result, I also became better acquainted with Dr. Buete-fisch. He gave me the impression of an intelligent, composed and objective scientist. I have never heard anything in regard to political activity on his part.

(signed) Dr. Heinrich Braithmaier

Document Record No. 115 . I hereby certify the signature, executed in my presence, of
Heinrich BRAITHMAIER, M.D.,
specialist in internal and
nervous diseases, Kanzlerhaus,
Berchtesgaden.

Berchtesgaden, 11 February 1948

(L.S.) (signed) P. Urlichs
Notary, vicar general

Doc. Record No. 115
Value RM 3,000.-
Fee (Art. 39) M 4.-
Turnover tax -.12

~~M 4.12~~

(signed) Urlichs
Notary, vicar general

Certified true copy of above document:

Nuernberg, 20 February 1948

(signed) Dr. Hans Fiechener
Attorney-at-Law

A F F I D A V I T

I, Ernst Brich O h u s e d e n , residing in Hienhausen, district Celle, have been cautioned that any false statement on my part will render me liable to punishment, - I declare on oath that my statement corresponds to the truth and is made in order to be submitted as evidence to the Military Tribunal at the Palace of Justice in Nuremberg, Germany.

To my recollection I made the acquaintance of Dr. Rustefisch in 1938 when the question of a successor to Prof. Kricheldorf of the I.G. as member of the Vorstand of the Brabag arose. Dr. Rustefisch was considered an expert in the field of hydrogenation and was to our minds a very reliable, capable and honest man of the industry. All of us therefore greatly welcomed his appointment as member of the Brabag Vorstand and we never regretted this step.

With very few exceptions I have been present at all Vorstand meetings of the Brabag since its existence. For this reason I have been able to form a sound judgment on the ideas, way of acting and attitude of the individual Vorstand members in connection with the manifold questions brought before such a committee.

Dr. Rustefisch had one of those well-balanced and conciliatory characters combined with a very active and resolute temperament. It was his constant endeavor to settle disputes whenever possible. I remember from numerous instances how by his apt and skilful intervention he managed to clarify apparently

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hopeless situations and in his quiet manner to calm down the excitement.

From our 6 years of work together in the management of the Brabag I cannot remember a single instance, where Dr. Bustefisch drew attention to himself during meetings or conferences. On the contrary he was always notably reserved whenever problems were dealt with which were not part of his scope as an expert. It would therefore be completely wrong to speak of ambition or even desire for power in connection with Dr. Bustefisch and his position at the Brabag.

Dr. Bustefisch was never asked by Brabag to deal with labor allocation problems nor did he by any means handle them on his own. Labor allocation problems were part of the scope of work of the plant managers and, as far as basic central negotiations with the Plenipotentiary-General for Chemistry (Gesbaken) were concerned, were the concern of other members of the Vorstand.

Due to his impartial manner and expert qualifications Dr. Bustefisch most of all won also the respect of the actual head of the Brabag, Kranefuss. When describing Kranefuss I must mention that I have been friendly with Kranefuss since I went to school, and that from 1934 until 1945 I had my office in the Brabag next to his, furthermore due to this old and confidential relationship I learned a great deal about Kranefuss' ideas and actions. Kranefuss had been entrusted by Schacht with the commercial and financial management of the new company in 1934 for which task he had special qualifications.

His SS membership- as far as I know- dates back to 1932 and was probably a result of his great esteem and admiration of Hitler whom he had presumably met through Hagler. As regards the SS he was attracted by the conviction that here an absolutely clean and irreproachable group was being formed which would accept into its ranks only the very best human material. I am convinced that even here Kronefuss remained an idealist to the last for I am sure that Hitler managed to show to Kronefuss only the good one of the two sides of his character; altogether I know Kronefuss only as an honest, chivalrous and brave man whom, judging by his whole character, I would never expect to act immorally.

Kronefuss was not a politician. He was interested in economy; politics only concerned him in as far as he came in contact with it in his professional and in daily life. On the other hand his ethical judgment about political personalities was very definite. In the course of the years Kronefuss voiced growing exasperation with regard to the lust for power and greed as well as the corruptibility and corruption of well-known personalities of the Party and authorities. In this connection I have sometimes listened to his violent and severe criticism. So for instance he was greatly enraged whenever Goering was discussed. He considered him corrupt to the core and he once accused him of great irregularities; I cannot remember on which occasion - in this connection I faintly recollect a lumber project in Canada- he had a violent dispute with Goering whom he accused of swindling.

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According to Kranefuss Goering shouted at him: "With your tender morals you should open a kindergarten instead of meddling in politics!"

Furthermore an extremely strained relationship existed between Kranefuss and Heydrich. This probably was brought about mainly by their extremely different characters, the direct cause however were malicious aspersions which political NS circles and personal enemies of Kranefuss had brought into circulation in connection with his former position with a Jewish private banking institute in Hannover; these aspersions had been intercepted by Heydrich who made great difficulties for Kranefuss about the affair. The mutual mistrust between Kranefuss and Heydrich lasted until the latter's death.

Kranefuss at the time was very much opposed to the persecution of Jews of November 1938. He not only considered these measures as a stupidity from the economic point of view and a political short-sightedness but also as entirely unjustifiable from the ethical point of view. From his former position as private secretary to a Jewish private banker in Hannover he knew many Jewish business-people. Although he did not always agree with the Jewish ways in business and social intercourse he nevertheless remained unselfishly faithful to the last to the family of his former chief, whose wife and children he assisted and protected from persecution and want, and whose children he managed to send to Holland during the war so that they could go to school there in a pleasant environment. -

I also remember that a member of this

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private Jewish banking firm - I believe it was an old Prokurist named - Katzenstein - approached Krenzfuss for help when, on the occasion of the "Kristallnacht" (the week of the November program 1938) a great part of his property had been destroyed and taken away. I do not remember any details as to the final help given at the time, however, in his great indignation as regards the riots, Krenzfuss made this individual case, which had been brought to his attention, the subject of a very unmistakable and outspoken intervention addressed to Himmler.

On innumerable occasions Krenzfuss has been approached by all kinds of people of his personal or professional acquaintance to intervene on behalf of people who had been arrested or who had incurred somewhat displeasure. Whenever Krenzfuss was convinced that these persons had been treated unjustly he always tried to help most unselfishly, using all his influence with Himmler or the offices subordinated to Himmler. Dr. Bustefisch has also frequently approached Krenzfuss for help on behalf of third persons. Through this Bustefisch and Krenzfuss became even better acquainted with each other and I was therefore not surprised when Krenzfuss informed me one day that Bustefisch had been given an honorary rank in the SS. There is not the slightest doubt for me that Krenzfuss was the author of this for he was very proud that he had been able to bestow this honor upon Bustefisch.

In this connection I must say that during all the many years I worked together with Bustefisch he not once boasted of or hinted at his SS-membership by word, deed or by his attitude.

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In this connection I must say that during all the many years I worked together with Burtelisch he not once boasted of or hinted at his SS-membership by word, deed or by his attitude.

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I never saw him in uniform for instance, nevertheless, through this new relationship to Kranofuss Bletfisch was often able to openly criticize some business and personal matters. I must confess that this was very much to the advantage of us other colleagues who had some difficulties with Kranofuss and his changing moods. For this friendly and disinterested help on the part of Dr. Bletfisch we colleagues - without exception and with a great deal of admiration - have been grateful to the last. The personal relationship between Bletfisch and Kranofuss - to my knowledge - was limited to their contact in business. As far as I know, I would have certainly heard about it if it had been otherwise - they did not meet socially.

Wienhausen, district Colle, 18 February

signed: Hans Erich Chaudon
(Hans Erich Chaudon)

No.29 of the document scroll for 1948.

I hereby certify the above signature, made before me by journalist Hans Erich Chaudon of Wienhausen district Colle. Colle, 18 February 1948.

signed: Dr. Wollhausen
Notary Public

(L.S.)

Value: RM 3,000.--	
Fee art. 58, 25 RM	RM 4.--
Turn-over-tax	" 0.12
	<u>RM 4.12-</u>

signed: Dr. Wollhausen
Notary Public

I certify this to be a true and correct copy of the above document.

Nuremberg, 28 February 1948

signed: Dr. Hans Fleckhauer
Attorney at Law.

DOCUMENT BOOK X DUEFFELFISCH No. 264
EXHIBIT No.

E x c e r p t

of the court-transcript of Military Tribunal IV Case V
of 11 June 1947, Session from 13.30 - 16.45 Hours.
(Examination Lindemann by Dr. Flaechsner)

... ..

Page 2948:

... ..

Q: The Prosecution claims that the circle of friends had as its end the discussion of the basis of the re-organization of economic life. To your knowledge after the seizure of power, did any economic conference of the Keppler circle, or the later circle of friends, take place?

A: No. Surprising as it may sound, it is a fact that in this circle which was centered on the Fuehrer's Plenipotentiary for economy no important economic questions or problems were ever discussed let alone political questions. The answer to this question is all the clearer to me because I myself have often wondered that Keppler did not even try to bring up such problems for discussion. It was when the circle was coming into being and I against my wish and desire, as you might say, saw myself slipping into this circle -- I did then think that something of the kind would develop and that something of this kind was to be the aim of the circle, but, in fact, it did not happen. Whether this was deliberate on Keppler's part, whether it was due to his

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well-known passivity and clumsiness, I leave open. Kranefuss, perhaps, followed this aim rather more, but it never happened, and neither Keppler nor Kranefuss ever tried to bring any such discussion about, in my experience.

Q: I understood you correctly, did I not, Herr Lindemann, that not only no meetings took place which were especially called for this purpose, but even at the social meetings both in Berlin and at the meetings on the occasion of the Party Congress or the Munich Ceremonies, no problems of this kind, economic problems, were ever fully discussed?

A: That's correct.

Q: Do you know anything as to whether the Keppler circle or later the circle of friends or committee of this circle was called in to advise

Page 2949:

on economic or social drafts of laws? I am thinking here, for instance, of the law concerning the formation of chambers of commerce or the law concerning the regulation of national labor. I mean on the basis of membership of the circle of friends, was any member of this circle ever called in to advise in the drafting of laws?

A: I know nothing about it.

Q: Can I summarize the result of any question by saying that after the 30th of January 1933, the Keppler circle and later the circle of friends never met and was never called upon for economic political questions?

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A: Yes, I can confirm that.

Q: Did anything change in this report when Keppler, of whom you said that his position grew less and less important, tried to make contact with Himmler later when the Keppler circle became the so-called circle of the Reichsfuehrer, circle of friends of the Reichsfuehrer?

A: I haven't quite understood the sense of your question.

Q: I asked whether in this negative economic activity of the gentlemen who were members of the circle of friends anything changed when the leadership of the circle passed to Himmler and Krassfuss?

A: No.

Q: Now I would like to ask you some questions about the structure of the so-called circle of friends. In this circle of friends could one just become a member or leave it at will?

A: I explained this morning how I came to be a member. I don't know in what way it happened with the other gentlemen. I have never discussed this matter, as far as I recall, with any of the other gentlemen and have never asked them how, in what way, and so on, they came to be members of the Keppler circle. As far as leaving the circle is concerned, I think there, too, I have already explained this morning that to leave such a circle was difficult.

Page 2950:

Q: Was there any membership in the circle of friends, by this I mean the position of a member, as for instance, in a society, or any association, one can be a member of a

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society, a member of a foundation, one can be the member of any other legal entity, but always as a member one has a certain position, certain rights, and certain obligations. Was there anything of this kind in the circle of friends?

A: No.

Q: How did the members grow? Was there any sort of ban for the members?

A: No.

Q: Could one as a member of this circle be excluded from it by the other members?

A: I don't believe so; it never happened as far as I know, but I don't think it is possible.

Q: Who decided who was to be invited to the meetings of the circle of friends?

A: In practice, in my opinion, it was Kranefuss; yes.

Q: Was there in the circle of friends anything in the nature of a Vorstand, a committee, a business committee, a general assembly?

A: No.

Q: Were their regular contributions to be used for the circle of friends as such?

A: No.

Q: Can I, from your negative replies to these questions,

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summarize and draw the conclusion that the circle of friends was not an organization of any kind, and that it was only at the discretion of Herr Kranefuss and Herr Keppler who was to be invited to the meetings of the circle of friends?

Page 2951: -

A: I would like to say yes to all this with a limitation that as far as I believe, I have no evidence on this point, since, from the time that the Keppler circle became Himmler's circle of friends, I assume that participation in the latter circle of friends no doubt was discussed by Kranefuss and Himmler.

Q: I want to ask one further question about the matter of organization -- you will certainly say no to it. Surely there was no constitution.

A: No, no.

Q: According to the point of view of the Prosecution the conclusion does not lie far -- that the Prosecution is inclined to consider the circle of friends as part of the SS.

A: The circle of friends was certainly not part of the SS. On the other hand, it cannot be denied that not only Keppler and Kranefuss were SS-Fuehrers, but that partly as a result of this fact, and partly as a result of the connection between Keppler, and in particular Kranefuss, and Himmler, a certain close contact in practice did exist between the Keppler circle and Himmler, and through him with the SS.

Q: Perhaps I may ask you, with reference to this point, was there any

- 6 -

disciplinary authority in the circle of friends as in the SS?

A: No.

Q: Was there any such relationship as between employer and employee?

A: No.

Q: Was there any ranks -- any office oaths?
Page 2952:
A: No.

Q: Herr Lindemann, do you know whether in the course of the years individual gentlemen who were asked to become members of the circle of friends were appointed to economic positions either by the party or by the state offices?

A: By state or party offices?

Q: Yes, The question of course about party offices perhaps is rather difficult to answer because there was a law concerning the unity of the party and state, but please answer the question quite naturally, without regard to legal intricacies of this kind.

A: Concerning the appointment of members of the Koppler circle of friends, as a result of their membership of this circle by state offices or anything of that sort, I do not remember anything; I don't remember anything; I don't think so.

Q: Yes. That I suppose is connected only with the fact that weight was attached to the fact -- that in particular Kranefuss attached importance to the fact -- that in the circle of friends, actually leading economic personalities should meet, who could partly then in the public interest be given an official function, as for instance, to you, as head

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of the International Chamber of Trade, or were you that long before?

A: No, no, Concerning Kranefuss, who was the leader of the circle from the beginning to the end, I never was able to discover, his idea with regard to choosing members of this circle, just because, as your questions to me I think have shown, the circle was in no way active -- in no way whatsoever. Kranefuss, I suppose, believed and wanted in this circle that essentially prominent

Page 2953:

economic personalities should meet in it, although undoubtedly he included in this circle a number of men who definitely did not have this qualification,
.....

Page 2958:

Q: Herr Lindemann, before the recess we had established the fact, by questioning you, that in the Circle of Friends no questions of economic policy were actually discussed.

May I now remind you of an occurrence in the year 1943? I don't know whether you recall it ; whether you know it. At that time Herr Fischboeck, at the occasion of such a friendly meeting of the Circle of Friends, wanted to give a lecture concerning a topic which normally was not

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involved at all, an economic topic, that is, concerning the topic; "Morale in the Economy". Well, do you know that Krenafuss or Keppler have not permitted that this lecture be held at all?

A: I remember -- as far as this case Fischboeck and this lecture is concerned, I don't remember anything at all. But I do recall the following: When the war broke out between the United States and Japan the suggestion was made in this Circle that on account of the outbreak of the war, especially Helfferich and myself, as old men from East Asia, should tell what we thought of how the situation would develop. Helfferich and myself at that time explained in a few words what we thought of it and, if I remember well, we both were of the opinion that in that phase, that is, the beginning phase of the war, the question of Singapore was the burning point, and that it would become a matter of whether the Japanese would succeed in taking Singapore. At about that stage of the conversations, Krogmann from Hamburg, as well as Keppler, protested very energetically against the fact that such questions were to be discussed in this Circle and the conversation was stopped in rather a tense atmosphere. I believe that I also can recall that after the lecture held by Dormitzel which we discussed this morning, Keppler --
righter right

Page: 2959:

afterwards or a little later during the conversation -- I don't know exactly how it was -- that he then protested and objected to such problems being discussed in that Circle.

Q: Herr Lindemann, according to the assertion of the prosecution, the members of the Circle of Friends are alleged to have derived personal advantages from the fact of being members of this Circle, or at least

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ained at deriving them. This need not be, necessarily, material, financial advantages and, therefore, I want to put the question to you: Did the members of the Circle of Friends derive any special privileges from their position?

(Transl. note: Following omitted in transcript :

Q: Did they, for instance, have a pass?

A: No.)

Q: Did, for instance, they have any privileges in public life or in the party?

A: No.

Q: Herr Lindemann, the prosecution has submitted a document --

Dr. Flaeckner: If it please your Honor, for the information of the Court, may I point out that it is Exhibit 715 and this is the affidavit of Mr. Otto Ohlen-

dorf. In this affidavit it is specified that one of the advantages which, being a member in the Circle of Friends of Himmler's brought about, was that the members were somehow respected by the Nazi Party and by the Police and, therefore, witness, I am asking you, do you know of any occurrence at all when somebody who had received an invitation to the Circle of Friends did have any difficulties at all with either party influence or with the police and that, because he was a member of the Circle of Friends, he was in a position to straighten out these difficulties with the police?

A: As far as difficulties are concerned, I mean difficulties of that character, and the avoiding of such difficulties, because one was a member of the Keppler Circle -- well, there I don't know anything. However, in this connection I have to explain that I personally, on the strength of my connections with Kranefuss -- which

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after all I have to bring back to my membership in the
Koppler Circle -- had the opportunity with the help of
Kranefuss to assist people who had

Page 2960:

difficulties with the Gestapo or other instances.

Q: Well, yes, Dr. Lindemann, but that after all was
the fact that you know Herr Kranefuss and could use his
influence with the police organs for your aims or the
aims of your party.

A: Yes.

Q: My question, however, was something different. A
member of the Circle of Friends, for instance, who would
have had difficulties with the Gestapo, would he have been
in a position to tell the Gestapo, "Man, you better be
careful; I am a member of the Circle of Friends of the
Reichsfuehrer. Don't you get your fingers burned on that
story". Do you think that such a remark towards the Gestapo
man would have produced any effect upon that man?

A: Well, no. Such a remark wouldn't have made any
impression on the Gestapo man. I don't think so.

Q: Therefore, if I understand you correctly, an advan-
tage could only be seen in the possibility of discussing
matters with the Reichsfuehrer or other important people
and perhaps try to use these purely personal connections.

A: Yes. Well, I think you could term it that way.

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THE PRESIDENT: Counsel, may I interpose a question to

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clarify something in my own mind? The witness has said that the influence of Koppler diminished and the Circle finally became known as the Himmler Circle while at first it was the Koppler Circle. Can you tell us, in a general way, what year you would say that change took place? Probably it was gradual -- but about what year?

A: 1937.

THE PRESIDENT: After that it was generally known as the Himmler Circle. I wanted to connect it with the years in my mind. Go on.

Q: Well, what was the situation at the later meetings which took place every month -- these meetings at Berlin? Can you tell us, witness, about how many times Himmler was present at such evenings?

Page 2964:

A: As I just pointed out already, I think that in 1937 the Himmler Circle started its activities and I believe that at about the same time, that is, in 1937, these Wednesday evenings started and these evenings went on during the whole war. I think that during the war Himmler did not attend these Wednesday evenings at all. From 1937 until the autumn of 1939, that is, until the outbreak of the war, Himmler may have been at these evenings; I think the total of them were about, well, let us say 20; out of these 20 evenings in the 2 years, Himmler may have been present 4 times at the very most.

Q: Could you describe one of these evenings in more detail? This morning you already said that one gathered to a dinner and that once in a while there would be a

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lecture. Could you tell me whether such a meeting was different from other meetings of social character, in any special way? I mean except for the fact that the invitation was issued by Mr. Kranefuss?

A: No, there was no difference between these meetings and any other social meeting within a circle of acquaintances or friends. The whole thing went on in the following way: Before the meal one would take a glass of sherry; then we would proceed to the table, in accordance with pre-determined plan; the places at the table were established. After dinner we spread out to take our coffee at individual tables -- we chose our own tables.

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Q: Within this Circle everybody knew everybody. Was it possible to express your real opinions? Was it possible for instance, to tell other people your sorrows and worries and doubts about the development of the war?

A: No.

Q: Wasn't the very presence of many active SS Leaders already the reason why an open exchange of opinions had to be abandoned?

A: Yes.

Q: Is it correct to say that the Circle of active SS guests slowly increased more and more, while the Circle of gentlemen from the economic field remained on the same level?

A: Well, I can confirm that, in so far as Fischboeck, Schieber, Kehrle and maybe also somebody else, joined the Circle; while as far as the Circle of the economy was

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concerned, if I remember well, there were no newcomers.

BY JUDGE RICHMAN: Q: May I ask a question? What did you talk about with these men when you sat down? Was it the weather or how your family was, that sort of thing?

A: When we were at dinner we really discussed only such questions as just indicated by Your Honor - objects of general family nature or other personal character. After dinner I personally tried at least on various occasions to get a small table and to sit together with economists whom I knew to have the same opinion as mine, especially during the war - or at least I assumed that they had it - in order to discuss with these gentlemen, for instance, more and more during the war, to discuss my troubles with them.

By Dr. Fluechener.

Q: Herr Lindemann, you already mentioned a while ago that during the war, officials from the highest Reich agencies were invited and these officials at the same time were members of the SS, as for

Page 29668

example, Schieber and Kehrl. Did you ever notice whether one or the other members of the Circle had discussions with these gentlemen concerning armament contracts or State methods or policies of war or anything of the kind? After all, Herr Schieber - if I remember correctly - was a leading official in the armament ministry, wasn't he? And Kehrl, after all, was also in the armament industry, and he more specifically was the central office where everything came together, that is, in the planning office. My question now is: Do you know anything about whether a member of the Circle had used such meetings and tried to discuss with these gentlemen armament

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contracts or anything of the kind, or at least to make the first contact there or to conclude the bargains already begun?

A: Well, I personally have no experience in that field and I had no opportunity and no reason whatsoever and I didn't observe it either. If, for instance, I had had an activity in the armament industry in some manner, and if from that activity I had dealings with the office or this sphere of work, of which Schieber or Kehrl were in charge, be it in an official character or in a business way, and if anyhow I had discussions to conduct with them in their offices, well, then, I could have thought that of course I would have used this opportunity which was given to me in a natural way to discuss matters with them which normally I would have discussed in their offices.

Q: Witness, my question was caused by the assumption made by the Prosecution that the members or rather the participants in the Circle of Friends used this Circle in order to conduct their business deals with the Government agencies or the ministries which were the representatives of the State and to conclude their bargains with more ease, and I think that I understood you correctly if you say this is out of the question; but, of course, if one had problems which came from such official connections, well, then, of course, one would use every opportunity, and also the occasion of such a friendly meeting, in order to discuss these matters and to straighten out possible difficulties as easily as possible, is that correct?

A: Yes; but personally at least I have no knowledge

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of members of this Circle using their membership as such or having the opportunity to use the membership to conduct such business deals.

.....

Q: Thank you, Herr Lindemann. The Prosecution assumes that these evening meetings of the Circle of Friends were to have been used to secure for the Government agencies and for the armament industries, valuable information and advice as to the conduct of the war. From your own knowledge, what do you know about it, and what did you hear about that from other members who were better informed than you?

A: Nothing at all.

MR. ERVIN: May it please the Tribunal, I have no objection to this line of questioning. However, I do think it is not appropriate, for the Defense Counsel to attempt to state the position of the Prosecution. Certainly not with respect to this question, I don't know of anything we have said that justified his saying that that is the Prosecution's position.

THE PRESIDENT: Well, of course, that doesn't commit the Court in any way and it is merely an assumption on the part of the Counsel. And I think the witness so understands it.

MR. ERVIN: I trust that he does, Your Honor,

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Q: Witness, is it correct that on the occasion of these

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monthly evening meetings there was a current discussion of the SS? May I specify my question: Have you personally ever been asked by an active SS leader who attended the meeting for any kind of advice concerning an SS matter, and has anybody else - that is, some of the other gentlemen who attended the meeting - told you anything about their having had discussions about advising SS men?

A: I personally did never attend any such conversations, had never anything to do with it, if only for the reason that I was not a member of the SS. Whether the gentlemen who both were members of the SS one of them an active member, the other one only a sponsor, would have discussed these SS matters with each other, well, that, of course, I can not know. The fact that I don't know anything about it does, of course, not prove that it has not happened, could not have happened, because after all, these SS matters were considered internal matters.

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Q: Herr Lindemann, this morning during the direct examination you spoke of a lecture which Himmler gave in the year of 1943 in his Headquarters. Do you know of any other lectures, and do you remember any during which Himmler made a big speech towards the gentlemen of the Circle of Friends?

A: Yes. I remember the words because first of all, it was in 1943, and also the location, that is the headquarters -- well, as far as the words were concerned, I only remember the speech which I have discussed this morning and which Himmler made in December 1943, but otherwise I remember two speeches which Himmler

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made to this Circle, and more precisely, one speech was held in Berlin in the Institute for Police where he discussed only general matters as far as I remember, concerning the instructions of the police and police leaders and police officers. I cannot recall any details of that speech, but I knew that at that occasion -- oh, no, perhaps just now I could refresh my memory, and I think that what happened was the following: In Berlin, first of all, an SS leader, who was a member of that police institute, gave a lecture on the subject, and then Himmler got up and he himself added to that lecture. I think that's the way it was. Then in Quedlinburg when we came from Sachsenhausen and went to Quedlinburg, after all that was quite a road piece of -- we had to go to Quedlinburg and we arrived there in the evening, and there we were invited to dinner by Himmler. Other persons took part on that dinner. They didn't belong to our circle. I don't know to what circle they actually belonged, but there were some ladies with them. Among the newcomers was the SS Fuehrer Heissmeyer. I recall that because he was a neighbor at table, and I think Heissmeyer was some sort of an inspector of SS educational institutes, and I think that the other circle, the one with the ladies, was somehow connected with the area which was under Heissmeyer. Himmler at the table therefore made a speech and if I remember well it dealt with educational matter or something of the kind. I do not remember any details and that applies to both speeches; that of Berlin and that of Quedlinburg because they didn't make any impression on me and therefore I cannot recall any details with regard to them. These are the occasions which I have recalled when Himmler himself made a speech or a sort of a speech.

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A: Well, yes I just said already that as far as the two speeches Himmler made in Berlin and Quedlinburg, are concerned, if I tried to I could not recall anything and I think that I conclude that there was nothing special in these speeches, because otherwise I think I would recall to something of it. As far as the speeches in the headquarters is concerned, I think that I explained everything this morning.

O THE PRESIDENT: May I interpose a question? When Himmler attended those Wednesday meetings, was any particular deference paid to him?

THE WITNESS: Himmler used to be the last one to come, and one may well say that he was considered the main person and treated as such.

THE PRESIDENT: And would the guests arise when he entered the room?

O THE WITNESS: Well, when he came we were already standing.

THE PRESIDENT: Was there any greetings given to him on behalf of those who were there?

THE WITNESS: Well, most of the time he was the last one to come into that room and he came to every single one and greeted him, gave him his hand.

THE PRESIDENT: Was there any speech made by anyone in either praise or condemnation of the work of the SS?

THE WITNESS: No.

THE PRESIDENT: Neither praise nor criticism?

THE WITNESS: No.

Q: (By Dr. Flaechener): Herr Lindemann. Concerning these two speeches which were made in time of peace and which you heard, anyhow you don't have any

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recollection that they contained any topic which might have struck you as embarrassing ?

A: No.

Q: And later on were there ever speeches in your presence during which, for instance, the question of persecuting the Jews was raised and advocated ?

A: No.

Q: Or else in your presence or in the presence of other members of the Circle of Friends, were the shootings and the mass executions and other cruelties discussed for necessities of war?

A: No.

Q: Or did they speak about the extermination of enemy races?

A: No.

Q: Did you ever hear anything in that Circle concerning the mistreatment of prisoners or experiments on inmates, gassing engines, or extermination devices or something of the kind?

A: No.

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Q: I now turn to another field. I believe that this morning you told us that the first collection of money within the circle of Friends took place in 1935?

A: Well, it might have been 1934, I couldn't tell you exactly.

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Q: Did you know at the occasion of that collection that this collection was contrary to a prohibition of collections was issued by Hitler?

A: No.

Q: Do you know anything about the fact that you were told that the authorization of the Reich Treasury of the Party had been granted.

A: No.

Q: Could you give us some details about the employment of the collection, at least as far as they were stated when they were requested?

Page 2973:

A: No.

Q: I may remind you that these contributions were to be requested for such cultural aims, for the fulfilment of which the Reichsfuehrer had no funds at his disposal from the Reich, which however were to be achieved with the help of the Circle of Friends. Now, in order to perhaps refresh or support your memory, may I remind you of individual instances; for instance, the construction and extension of the Wolfenburg, the research and excavation in the Luechburg Heide -- I think that is at the same time as the visit which you have described -- prehistoric excavations also in the Ural, and also the Tibet expeditions, and the foundation of training workshops for carpenters and pottery makers. The aim of my question is: during these requests for contributions or when they were commented upon, were these aims and tasks of the Reichsfuehrer SS explained to you or mentioned to you in any way?

A: No.

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Q: Did you ever see anything or read anything of such cultural tasks?

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A: With the exception of the Sachsenhain in Pfaffen where we have been, I never saw anything about these things, and I never knew anything; and I wanted to add that Tibet, as far as the expedition in Tibet is concerned, I knew that Schaefer discussed that matter.

Q: And didn't you tell us this morning also that at Munich once, or in connection with those meetings in Munich, you once went to Allach, too, in order to see those educational workshops?

A: Allach is quite near to Dachau, and the visit of Dachau was joined to a visit of this porcelain factory, and no mention was made at that time that the work at Dachau was originated from the funds which were given by the circle. I only supposed without it being mentioned that the porcelain factory at Allach was to prove for what good aims these funds were used. The fact has not been mentioned; anyhow, I didn't hear anything about it.

Q: You already mentioned this morning that to those meetings of the circle of friends not only Himmler came, but also the SS-Obergruppenfuhrer Fohl and SS-Obergruppenfuhrer Wolff. Could you now answer my question whether you from your personal relations with these three mentioned persons have any clues or derived any clues at that time from which you might have supposed that these men later would commit acts which they are today charged with? And more specifically did you notice anything that these people were especially

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active and hard and had written aims on their banner which today are specified as typical SS aims?

A: No.

Q: Did you at any time hear anything about the way the funds collected from the members of the circle of friends were used, whether these funds were used for the concentration camps or for the extension of the SS, for the setting up of new SS units, or for the purposes of the SS organization? Did you ever hear that your funds were used for

Page 2975:

that?

A: No.

Q: According to what you noticed, or rather, could you notice that Himmler, Pohl or Wolff made extravagant expenses and that you could have thought that they would use part of the collected funds for their own personal needs?

A: No.

Q: Is it customary that if within the industry funds are collected, such contributions are collected, that in that case an account is given concerning the use of the collected funds? I am more thinking, for instance, of other collections, the oldest collections; for instance, the Society for Sea Rescue, which must be particularly near for you, collected money every year in the whole Reich, and they then issued a yearly account, but I don't think that in general they justified the use of their means, and if for other charity purposes collections were made, donations were made, then it was not customary either to account for the use of the money and to ask them to account for it. The sense of my question is:

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is it particularly striking that no account was requested for the use of this money which was collected from the circle of friends ?

A: Well, the collection of funds in the way they developed in the Third Reich could not be compared with collections as they were made before that, for instance, for sea rescue or other collections of that kind. After all, most of the time the procedure was that when money was collected, as, for instance, in the case of the sea rescue, everybody knew for what purpose the money was given, while collections in the Third Reich -- well, I want to term it that way -- they were comparatively of a more indefinite character, and the use was not as definite as before. I must say that, after all.

Q: Well, witness, I quite agree with you, because my question was only whether the fact that no account was requested, especially in the Third Reich, is particularly striking ?

Page 2976:

A: In the Third Reich? No account was ever requested. If I understood you correctly, you asked: was it striking or was it not striking that no account was requested in the Third Reich. Well, I answer that it was not customary at all in the Third Reich to request an account.

Q: Well, that is my opinion, too, witness. I think even that it would have been considered quite an offense if somebody had asked, "Well, what happens to my money?"

A: Yes.

Q: Well, the outward opinion would have been that this was a vote of lack of confidence if one might term it that way for matters in the Third Reich at all.

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A: Yes, you might say that very well.

JUDGE RICHMAN: Did you know that over a million Reichsmark per year were being raised for this matter?

A: Well, I didn't know how much the individual gave, and, therefore, I didn't know how much the total amount would be. I only dealt with my own four thousand marks.

THE PRESIDENT: Were there any contributors to this fund outside of the circle of friends?

A: I didn't quite understand your question, Your Honor.

THE PRESIDENT: The question was whether there were any other contributors to this fund outside the circle of friends.

A: I don't think so, Your Honor.

JUDGE RICHMAN: Did you see any signs of cultural activity that would require the expenditure of a million Reichsmark per year in this connection?

A: I haven't seen anything.

BY DR. FLAEGHSNER:

Q: Herr Lindemann, I now turn to this famous conference in the headquarters, or rather in the Fieldcommand, as they described it, --

A: Yes. Yes.

Page 2977:

Q: -- the conference which, if I understood you correctly, took place in December 1943, and I also turn to the speech Himmler made during that conference. If my memory does not deceive me, you said this morning that Himmler only quite superficially made mention of the situation of the war in spite

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of the fact that the situation of the war was sufficiently serious to be discussed by such a person as Himmler was, but that he only discussed this matter in general terms, is that correct?

A: Well, I think that this morning I mentioned already that he, Himmler, specifically pointed out that he could not and that he could not talk about the situation of the war. Doubtlessly, he meant that he didn't want to. He only commented in those short sentences, as I have said this morning: "Before they called me a Cassandra, but now we are yet getting to the Ural." Doubtlessly he wanted to create the impression that he was a great optimist, and doubtlessly he wanted to influence his listeners, or he tried at least to influence them to show them that this optimism was all the more important now because he, Himmler, had been a pessimist before.

Q: As far as his tasks as Chief of the Police were concerned, you told us this morning that he mentioned that his environment had suggested to him that he should do something against his having the reputation of a bloodhound -- I think that was what you said -- and that he should do something against this reputation being spread out in the public. Was it the intention of Himmler to say that he was being held responsible in the public for the terror which the police organs exercised over the German people?

A: As far as I recall, this was the only instance when Himmler discussed such a topic as "bloodhound" or those severe measures at all in this circle.

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I am certain, or I believe that I can recall with certainty that this was the only time. All the more it was striking for me that he discussed this topic at that occasion and more specifically with the very significant word of "bloodhound". Later on

Page 2978:

I thought the matter over, and, therefore, I recalled this expression and the words. I thought what did the man intend with this remark, and the only explanation I could find afterwards, -- for myself personally, that is, -- was that he wanted to give us the impression that he had the reputation of a bloodhound, but that in reality he was not a bloodhound, because, after all, his environment again and again pressed him to do something against this reputation, and he made it quite plain in his remark that this was a kind of a slander against his person, and that his environment pressed him to do something against this slander. That, according to my impression, were the tactics that Himmler used at that occasion. At that time, of course, I had no idea what were the reasons Himmler might have had to use such tactics.

.....

Certified literal and correct copy of the above
excerpt of the court-transcript:

Nuernberg, 23 February 1948.

(signed): Dr. Hans Florschütz,
Attorney-at-Law

DOCUMENT BOOK X BUSTEFISCH No. 265
EXHIBIT No.

E x c e r p t

from the Judgement of Tribunal V in Case 6, Flick et al
Page 49 and 50.

Page 11016:

... ..

Steinbrinck became a member of the Circle in 1932 in its early days when it was known as the Keppler Circle. At the instigation of Hitler or with his approval, Keppler gathered together a few industrial leaders including Steinbrinck for their advice upon economic questions including, it seems, the problem of solving the unemployment situation. There is evidence that industrialists believed Keppler would become Hitler's chief economic advisor and they were not unwilling to meet and exchange views with a man who was likely to become a powerful state leader. Flick was not drawn into the group until three years later and then more or less casually. Keppler's influence with Hitler waned Himmler's influence grew and his ascendancy began, so that even before the beginning of the war the group came to be known as the Circle of Friends of Himmler. In its early meetings SS leaders or officers were not present in any considerable number but as the war went on more of them came to the meetings, probably on the invitation or command of Himmler.

We do not find in the meetings themselves the sinister purposes ascribed to them by the prosecution, Kranefuss, an assistant of Keppler and Himmler ,

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throughout its history controlled the invitations, doubtless with the approval of Himmler. There was an annual dinner in connection with the party rally at Nuernberg. Later there were more frequent meetings taking the form of dinner parties with the usual beverages. It may be questioned whether the members of the SS who attended had any reason more compelling than Himmler's invitation and the opportunity as guests to get an excellent dinner. There was no regular seating and after dinner the party broke up into small groups of congenial acquaintances. Flick and Steinbrinck naturally drifted to groups of business men. Himmler was not always present. He did not single out Flick or Steinbrinck for attention. There is no evidence that the criminal activities of the SS were discussed. As a matter of fact, it was the policy of Himmler to conceal them. As a part of the program usually there were talks and sometimes showing of films on subjects foreign to the war such as the Tibet expedition, in which Himmler was interested, to which, with one exception later discussed, no criminal significance may be ascribed. There is credible evidence that Himmler was a man of dual personality on the one hand a gentleman

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with cultural interests and on the other an inhuman monster. In these meetings we have no doubt he appeared the gentleman and genial host. So far we see nothing criminal nor immoral in the defendants' attendance at these meetings. As a group (it could hardly be called an organization) it played no part in formulating any of the policies of the Third Reich.

... ..

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Certified true and correct copy of the above
excerpt:

Munich, 23 February 1948

(signed): Dr. Hans Flachsenberg,
Attorney-at-Law

AFFIDAVIT

I, Karl Wolff, General of the Waffen-SS, at present in the court prison, Nuremberg, born on 13 May 1900 at Darmstadt, have been warned that I shall render myself liable to punishment for making a false affidavit. I declare on oath that my statement is the truth and was made for submission as evidence to the Military Tribunal Nuremberg, Germany.

- 1.) From the summer of 1936 to 18 February 1943, I was Chief of the personal staff of Reichsfuehrer-SS Himmler. From the outbreak of war onwards I worked primarily in the Fuehrer Headquarters as liaison officer of the Waffen-SS. After recovering from an illness I was transferred in September 1943, to Italy as Supreme SS- and Police Fuehrer.
- 2.) I made the acquaintance of Dr. Heinrich Buete-fisch through the so-called Friends' Circle (Freundeskreis) of the Reichsfuehrer-SS. As far as I remember he was invited to the social evening of the Circle from 1939 on, at the instigation of Kruefuss with whom he worked professionally in the Bräbe (Braun-kohle-Benzin A.G.).
- 3.) In the same year (1939) Kruefuss suggested that Dr. Buete-fisch be granted an AS rank (Obersturn-fuehrer) on the grounds that he was a leading technician in industry and was held in great esteem there as an upright, frank, and honest man. Buete-fisch's further promotions up to the rank of Obersturmbannfuehrer followed automatically. It involved granting a purely formal rank of honorary Fuehrer (Ehrenfuehrer). To my knowledge, Dr. Buete-fisch did not serve in the SS, and did not belong to any detachment (Verband). I cannot recall ever having seen him in an SS uniform.

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4.) I had nothing to do with Dr. Bueterfisch in the line of duty or business with the exception of a brief discussion at the end of March 1941, in Berlin, regarding which I have testified as follows in my affidavit of 25 July 1947:

"As far as I remember I learned of the contents of a letter from Goering to Himmler at the end of February or the beginning of March, 1941, which contained the order to assist the construction near Auschwitz in Upper Silesia, of a chemical plant planned by the I.G. Farbenindustrie A.G.

by assigning prisoners from the neighboring concentration camp at Auschwitz. The original plan of the Reichsfuehrer-SS himself was to erect a factory under the auspices of the SS for the production of synthetic fat. Goering thwarted us in this endeavor because he was endeavoring to stop the SS from gaining too much influence in industry.

At the end of March, I was informed that, according to an order from Goering, the Reich Labor Ministry or the competent local labor office desired to establish contact between the Bebechen, i.e. I.G. Farbenindustrie on the one hand and the SS on the other hand, in order to prepare for the proposed allocation of prisoners for the construction of the Buna plant.

Then, at the end of March a discussion was held in my office in Prinz Albrechtstrasse in Berlin in which Dr. Bueterfisch, Dr. Duerrfeld, and another man of the same firm participated as representatives of I.G. Farbenindustrie. Dr. Bueterfisch explained the purpose of the construction project. The other two gentlemen gave estimates of the anticipated total personnel requirements but I do not remember the details. The discussion

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lasted a relatively short time. I told the gentlemen that they would receive a letter from the competent SS administration, or SS office, wherein more detailed conditions for the allocation of prisoners would be given."

Hence this conference did not take place on the initiative of I.G. Farbenindustrie, and particularly not on the initiative of Dr. Buete-fisch, but at the instigation of the authorities named. The object of the discussion and the method in which it was conducted had nothing to do with the membership of Buete-fisch in the Friends' Circle (Freundeskreis) or with his SS rank. Neither before nor after this discussion did I talk with Dr. Buete-fisch about the Auschwitz plant or about other matters concerning his firm.

- 5.) The esteem and regard accorded to Dr. Buete-fisch in the Friends' Circle of the Reichsfuehrer-SS resulted from his technical achievements and human qualities; they did not result from any special Party or SS services, since Dr. Buete-fisch had performed no such services and, to my knowledge, had not become a member of the Party until 1938.

Dr. Buete-fisch became known to the Reichsfuehrer-SS through being presented in the customary manner in the Friends' Circle. He did not enter into any closer personal relationship to him.

As already mentioned, Dr. Buete-fisch never handled business matters of his firm with me or, as far as I know with other SS offices, with the exception of the described discussion in 1941. It cannot, therefore, be maintained in any way that Dr. Buete-fisch acted as a liaison man between I.G. and SS. Nor was he ever considered as such by the SS.

- 4 -

Nuernberg, 22 September 1947

(Signed): Karl Wolff
Karl Wolff

The above signature of the former general of the
Waffen-SS, Karl Wolff, at present in the court prison,
Nuernberg, is herewith certified.

Nuernberg, 22 September 1947

(Signed): Dr. Heinz Reintges
Dr. Heinz Reintges

This is a true copy of
document Bue 169.

Nuernberg, 18 February 1948

(Signed): Dr. Hans Flaechsner
(Dr. Hans Flaechsner

DOCUMENT BOOK X RUSSISCH
EXHIBIT No.

CERTIFICATE OF TRANSLATION

8 March 1948

We, John FOSBERRY, No. 20179, Gerta KANNOVA,
No. 20151, and George GOODMAN, No. 34789, hereby
certify that we are thoroughly conversant with the
English and German languages and that the above is
a true and correct translation of the Document Book
Rueterisch.

John FOSBERRY,
No. 20179

Gerta KANNOVA,
No. 20151

George GOODMAN,
No. 34789

Case 6
Defense

TRIBUNAL VI

CASE VI

SUPPLEMENT I TO THE DOCUMENT BOOK

for

Dr. Heinrich Buefisch.

Submitted by the
Defense Counsel
Dr. Hans Flaschner
Attorney at Law.



Page Description of the Document Bus.No. Vol.

1 Affidavit Dr. Hannes W. Wyck of 1/4/47. Bus. 520

Affiant gives a general survey on the results of the donations made to the Winter Relief Fund and the National-Socialistic Public Welfare Fund (NSV) between 1938 and 1942. In the various donations, such as plant donations, special Sundays offerings, national street collections, etc., an amount of 1,308,000,000.- RM was collected in 1941/42, from industrial firms 270,000,000.- RM.

4 Affidavit Dr. Buettelisch of 10/3/1948. Bus. 510

Affiant worked in Leuna as chemist since 1927. Buettelisch was the technical head of the works. He did not concern himself with matters relating to workers. War preparations never were mentioned in the discussions with departmental chiefs of the works. Dr. Schneider and Dr. Buettelisch were surprised by the outbreak of the war. Buettelisch did not engage in political activities, neither did he attend meetings, nor wear a uniform.

7 Affidavit Dr. Matthias Pier, of 2/3/1948 Bus. 516

Preliminary Discussions for the proposed Third Mineral Oil World Congress to be held in Berlin in 1940 were conducted in Duesseldorf on 4 March 1939, in which the I.G. took a willing part. 40 offers to give lectures were already on hand by August 1939, among them 15 from abroad. Dr. Buettelisch was also expected to be one of the main speakers.

This joint work strengthened the professional circles concerned in their belief of a peaceful political development, otherwise they could hardly have contributed their time and energy to the preparations. This is particularly true in the case of the I.G. which had made Buettelisch and Pier available for this purpose, withdrawing them from important work.

It was the intention of the I.G. to avail itself of this opportunity to provide a broad basis for an international exchange of experiences. This was in line with the principles upheld by the I.G. and always observed by Krauch, Schneider and also by Buettelisch.

Supplement I to the Document Book
Dr. Buetelesch.

Page Description of the Document Bus. No. Dth.

- 10 Affidavit Dr. Heinrich Buetelesch, of 3/4/1948 Bus. 331

Contains a conclusive list of the members constituting the inner circle of the management of Leuna, giving details in regard to their duties and positions in the Leuna Works and in the I.G.

- 12 Affidavit Oberingenieur Wilh. Bachmayer, of 23/3/1948. Bus. 333

The affiant declares that from his experience the costs of setting up a hydrogenation plant with a capacity to produce 100 000 tons of benzine annually would amount up to 100 mill RM, according to the basic material used in the process, whereas the costs for a plant of a like capacity for the processing of mineral oil, in a construction suitable to German conditions, are assumed to amount only to 45 to 55 mill RM.

- 14 Affidavit Franz E-hrl of 15/1/1948. Bus. 335

Describes Buetelesch's duties as head of the "Economic Group Motor Fuel". He received the personal order from the Armament Ministry at the beginning of 1944 to investigate on the spot the possibilities of resuming operations in the hydrogenation plants after air raids. The result was that the amount of work he was able to do for his firm decreased extraordinarily, as the air raids became a more and more frequent occurrence.

- 16 Affidavit Hildegarde Kuntze, of 13/10/47 Bus. 350

The affiant was one of Dr. Buetelesch's secretaries from 1/1/1939 until 1945 and describes how the discussion with Obergruppen-fuehrer Wolff was arranged, the only discussion which Dr. Buetelesch ever had with an SS-agency as far as she knew. Buetelesch visited Auschwitz only once or twice a year.

Supplement I to the Document Book
Dr. Eustefisch.

name	Description of the Document	Buc. No. Esh.
19	<u>Affidavit Dr. Johann Giesen, of 21/1/48.</u> The affiant describes the organization of the Werke Auschwitz and of the management there, which was independent to a considerable degree. A detailed control of operations on the part of the head of the Sparte was neither intended nor was it feasible.	Buc. 173
20	<u>Affidavit Paul Pleiger, of 3/4/1948.</u> The former chairman of the Reich Association Coal confirms the statement that the German Coal production plan was set up by the authorities. In addition the production quotas of the individual mines were also fixed by the mining authorities in concurrence with the managers. This authority also had to approve extensions and new constructions.	Buc. 173
21	<u>Law concerning Joint Stock Companies (Aktiengesellschaften) and Joint Stock Companies with Limited Liabilities (Kommanditgesellschaften) (Corporation Law)</u> Reich Law Gazette I, page 107, of 30 January 1937, excerpt.	Buc. 211
25	<u>Commentaries on the Corporation Law, by Godin and others.</u> Excerpts concerning the functions of the Vorstand and the Aufsichtsrat.	Buc. 213
30	<u>Commentaries on the Corporation Law, by Godin and Wilhelm.</u> Excerpts concerning the functions of the Vorstand and the Aufsichtsrat.	Buc. 213
33	<u>The Formulation of the Articles of Incorporation according to the new Corporation Law, by Moehring and Schwartz.</u> Excerpts concerning the Vorstand and the Aufsichtsrat.	Buc. 214

Supplement I to the Document Book
Dr. Bustefisch.

Page	Description of the Document	Buc. No. 123.
36	<u>Commentaries on the Corporation Law by</u> <u>Schlagerberger, Quasovski and others</u>	Buc. 315
	Excerpts concerning the functions of the Vorstand and the Aufsichtsrat.	
40	<u>Changing the Articles of Incorporation</u> <u>of the Joint Stock Companies (Aktienge-</u> <u>sellschaften) to conform to the new</u> <u>Corporation Law.</u>	Buc. 316
	Commentary by Walter Schmidt. Excerpts concerning the functions of the Vorstand and Aufsichtsrat.	
44	<u>Commentaries on the "Law concerning</u> <u>Limited Liability Companies."</u> by Dr. Bind and Schmidt.	Buc. 317
	Groschuff's commentary on the Law concerning Limited Liability Companies.	
	Excerpts concerning the functions of the Vorstand and the Aufsichtsrat.	
50	<u>Affidavit Dr. Silcher, of 30/5/1947.</u>	Buc. 307
	Uses the Steinberg Naphta in Vienna to show Bustefisch' endeavours to pursue a line in keeping with the principles of private enter- prise against the efforts of the Party in re- gard to political and totalitarian coordinat- ion. The I.G. stood out as the strongest pillar of private enterprise in a time when it was the intention of the State to nationalize industry and to make it an instrument of politics.	
57	<u>Affidavit Dr. von Hahn, of 12/3/1948.</u>	Buc. 318
	The affiant was engineer (Ingenieur) in the Ammoniakwerk Merseburg. Owing to his anti-National-Socialistic attitude he became involved in difficulties with the Party. In spite of this Bustefisch maintained relations with him. In Party circles Bustefisch was considered to be "internationally" minded. The affiant never saw Bustefisch wearing a uniform or a Party badge.	

Supplement I to Document Book
Dr. Buetefisch.

Page	Description of the Document	Bue. No. E.H.
60	<u>Affidavit Dr. Schauburg, of 30/3/1948</u>	Bue. 580

The former head of the Legal Department of the Leuna Works declares that Dr. Buetefisch interceded at once on his behalf for his release when he was arrested by the Gestapo for political reasons and finally succeeded that he was no longer harassed by the Gestapo.

In addition the affiant declares that Dr. Buetefisch did his utmost to protect his Jewish co-worker Dr. Baumann from the fangs of the Gestapo and to keep him in the works as long as possible. He then procured a position for him in America but Dr. Baumann unfortunately was not able to take it because of his having been arrested by the Gestapo in the meantime. After all attempts to have Dr. Baumann released had failed and he had died in arrest, Dr. Buetefisch in spite of existing orders prohibiting it saw to it that his dependants received adequate support.

63	<u>Affidavit Dr. Reintjes, of 25/1/1948.</u>	Bue. 519
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Since 1941 the affiant was legal advisor to Dr. Buetefisch on the field of mineral oils. He declares that in his work Dr. Buetefisch was moved solely by his technical - economic considerations and that he always stood for loyal performance on contracts. He did not let political views influence his transactions. He had a liberal attitude in political matters and criticized openly any abuses of the system. At the approach of the allied troops he prevented extensive acts of demolition which had been ordered by the authorities.

The affiant had learned of Dr. Buetefisch' connections with the SS only after the capitulation. Buetefisch never wore a uniform or mentioned his membership in the SS, neither did he ever make use of it.

Page	Description of Documents	Bu. NO. Pth.
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|----|---|---------|
| 67 | <u>Affidavit Baron von Schroeder, of 31/3/48.</u> | Bu. 337 |
|----|---|---------|

Affiant reports that Himmler, on the occasion of his attending the meetings of the so-called "Kepler circle" which were held in Himmler's headquarters, had made the remark that he, as the Supreme Chief of Police, sometimes had to take severe measures and that he, therefore, was considered to be hard and cruel. However, he maintained that what he did was done only after a most searching contemplation, solely in the interest of the nation and the conduct of war in order to prevent greater harm.

- | | | |
|----|---|---------|
| 68 | <u>Affidavit Dr. Ing. Friedrich Hermann, of 30/3/1948</u> | Bu. 333 |
|----|---|---------|

The affiant was the head of the machine and construction department on behalf of the Fuertengrube and in concurrence with its management. He reiterates that the camp inmates employed at the Fuertengrube mine were treated correctly and that no more was asked of them than from the free workers.

Certification

I hereby certify that the foregoing are true and correct copies of the original documents contained in Supplement I to the Document Book.

Muenberg, 2 April 1948

(signed) Dr. Hans Flaschner
(Dr. Hans Flaschner)

Defense Counsel in
Case VI, Tribunal VI

A f f i d a v i t.

I, Dr. Henning von Wyck, residing at Munich, Robert Koch Str. 9, am aware that I render myself liable to prosecution if I make a false statement on oath, I declare on oath that my statement is true and that it was made for use as evidence at the Military Tribunal, Nurnberg, Germany.

I was born on 22 March 1902, by profession editor. The following yearly reports of the NSV (National Socialist Peoples Welfare Organisation) and of the Winter Relief Organisation for the years 1938 to 1942 have been taken by me from the "Volkischer Beobachter" and the "Statistical Yearbooks" of the German Reich.

The business reports about the receipts of the NSV and the Winter Relief Work contain - in accordance with the "Statistical Yearbooks" - all contributions which have been received for purposes of the NSV, the Winter Relief Organisation and the German Red Cross during one year, between 1 October and 31 July. The months of August and September during which no public collections took place until 1943, are added to the first month of the following year, since the amounts collected in these months were too small to be shown individually. The review of the V.B. for the report years 1942/43, which have been referred to, shows no receipts of contributions by firms as such, but only very few contributions of personnel of individual firms, of units of the Wehrmacht and the reserve army and from public agencies and other corporations. These were not considered at the general compilation.

since they are mentioned in the yearly reports anyhow. From 1942/1943 on, accountings for the contributions received were not published anymore. In 1943 there was no more celebration in connection with the opening of the Winter Relief Work in Berlin as before. The collections started that year on 12 September, the first Sunday of Street Collections in the Reich. The result of this collection is the last which was published in the newspapers. In spite of thorough study of the press, further publications could not be found anymore. Neither does the "Statistischer Yearbooks", the last of which appeared in January 1943, show any figures for the NSV and the Winter Relief Work after the business report 1942/43.

The figures for 1938/39 and 1939/40 were compared with the statements in the "V.B.", the "Statistical Yearbooks" and the "Documents of German Policy", and conformity of the statements was found. The figures for 1940/41 and for 1941/42 were compared with the "Statistical Yearbooks" and the statements in the "V.B.". Here, too, the statements were found to agree.

	1938/39	1939/40	1940/41	1941/42:
Total receipts:	436.310	631.575	893,654	1.208.000
Wages and salaries:	104.976	131.257	178,771	236.000
Donations of firms:	150.172	184.846	229,685	270.000
Sundays of offerings:	50.462	84.560	163.706	237.000
Reich street collections:	80.406	119.140	202,844	245.000
Gau street collections:	6.664	13.454	22,070	39.000
Gau shows:	13.468	44.315	24.859	—
Winter relief work lottery:	7.653	9.999	9.000	—
Donation of the Reichsbahn:	8.087	11.503	13.116	—
other donations:	14.422	35.501	49.544	—

The figures quoted are in thousand Reichsmark.

The compilation is a complete reproduction of the donation lists which were printed in the V.B. - Excluded are only the donations of individual troop units of the German Wehrmacht and of personnel of individual firms.

(signed) Dr. Henning van Tyck.

In my capacity as administrative assistant in case VI I certify herewith that the above signature of Dr. Henning van Tyck has been given in my presence.

(signed) Dr. Lueller

(administrative Assistant).

Nuernberg, 1 April 1948.

A f f i d a v i t .

I, Dr. ~~Werner~~ Ustrow, residing in Göttingen, Berthstr.1, am aware that I render myself liable to prosecution if I make a false statement on oath. I declare on oath that my statement is true and that it was made for the purpose to be used as evidence at the Military Tribunal in the Palace of Justice, Nuremberg, Germany.

Since 1927 I was chemist and later section chief in Leuna, after the death of Dr. von Staden I was in charge of combining the entire production plants in Leuna, until the year of 1945.

During the entire time of my activities I have worked together with Dr. Buefisch. He was the technical manager of the Leuna Works and concerned himself in this capacity with the purely technical and organizational problems which were connected with the technical production. As deputy for Dr. Buefisch, who in the course of years had to concern himself with many technical problems outside of the Leuna Works, Dr. v. Staden had been appointed. As far as I know Dr. Buefisch did not concern himself with labor problems.

In ^{the} none of ~~the~~ numerous meetings of the section chiefs with the plant management which I attended, preparations for war were discussed. As far as I remember, the entire management including Dr. Schneider and Dr. Buefisch, were surprised and shocked to the utmost when the war broke out. During the war,

in addition to his activities as technical manager of the Loun Plant - Dr. Bustefisch had to concern himself quite frequently with the production of the other mineral-oil hydro plants because he was also deputy manager of the economic group Motor Fuel; as such he was responsible for raw material rationing as well as the technical execution of the production.

During the entire time of my work together with Dr. Bustefisch I have never noticed any political activities on his part. His work which was concentrated on purely technical problems would not have left him any time for such things, apart from the fact that these things were outside his sphere of interest. As far as I know, Dr. Bustefisch joined the party only at the end of 1938, a step which he could not avoid because of his economic position, since he had quite frequent dealings with party-official-and governmental agencies. Only after the collapse did I learn of the fact that Dr. Bustefisch had been commissioned in the SS. In any case, Dr. Bustefisch never made open use of this fact. I have never seen him in uniform and know that he stayed away from all political gatherings in Loun.

Goettingen, 10 March 1946.

(signed) Dr. Werner Mustraw.

Above signature of Dr. Werner Mustraw, Goettingen, Northstr. 1, known to me in person, is hereby officially certified by me.

No.51 document register for 1948.

The above signature by

Dr. Werner Austrow in Goettingen, Weerthstrasse 1,

given before me, known to me personally, is hereby certified by me as
a notary.

Goettingen, 11 March 1948

(signed) Dr. Paul Ernesti
n o t a r y

in the district of the Court of Appeal in Celle.

Fees:

Value: 3000 Reichsmark.

Fee par. 39 RKO	RM 4.00
" " 52 RKO	" 4.00
turnover tax 3 %	" 0.24

RM 8.24

(signed) Dr. Ernesti, n o t a r y

in the district of the court of Appeal Celle.

A f f i d a v i t .

I, Dr. Matthias P i e r , residing at Heidelberg, Neue Schlossstr. 42, have been informed that I am subject to punishment if I submit a false affidavit. I declare on oath that my statement is true and was given for the purpose of being introduced as evidence to the Military Tribunal VI at the Palace of Justice, Nuremberg, Germany.

The Third World Petroleum Congress was supposed to take place in Berlin from 9 to 15 June 1940, following a resolution of the permanent council of the World Petroleum Congress. It was intended to continue the work concerning all scientific, technical and economical questions in regard to oil, which had been successfully started during the First World Petroleum Congress 1933 in London and the Second World Petroleum Congress 1937 in Paris. Prof. Dr. Bents was supposed to be chairman of the Congress. The technical-scientific work was carried out by seven different sections. I was appointed president of section III "Production and Conversion"; the I.G. Farbenindustrie, especially the chief of the Petroleum Branch, Dr. Baetefisch, gave their approval gladly. Vice President of my section was Dr. Hagemann.

In January 1939 we started with the preliminary work. On 4 March a meeting of the permanent council of the World Petroleum Congress took place in Duesseldorf which was connected with a meeting of the organizational committee of the Third World Petroleum Congress. Among the foreign participants present was, among others, also Col. L.L. Pineau, Paris.

In the following weeks the program was decided upon; in addition to the preparation of the lectures, the inspection of the German installations was given considerable attention. In cooperation with the German organization committee, committees for the foreign countries were founded; in cooperation with these committees, invitations to attend and to lecture were mailed by Section III to German and foreign individuals and until August 40 subscriptions for lectures, 15 of these from foreign countries, had been received by my office. In addition to the discussion lectures, each section planned a few principle lectures. In my section, the first lecture was supposed to be delivered by Dr. Buefisch or myself.

If, at that time, it was decided to hold such an international congress in Germany, it is proved that the circles concerned did not believe in a coming war. The common preparations therefore increased the belief in professional circles, within and outside of Germany, that Germany had only peaceful intentions, otherwise the leading men of science and technic would not have devoted their time to that kind of work. This applies in particular to the I.G. Farbenindustrie Aktiengesellschaft which assigned me and two members of my staff to this purpose, so that we, in spring and summer of 1939, devoted a considerable part of our work time to the preparation of this congress. It was the intention of the I.G., to put the international exchange of experiences, as it had been carried out for years in the oil business between friendly firms,

on the broadest possible basis. It was planned particularly to submit to the World Petroleum Congress in Berlin detailed reports and publications about the procedure in the field of hydrogenation, in connection with my lectures 1933 in London and 1937 in Paris, that complied with the principles of the I.G. as they were always represented by Prof. Krauch, Dr. Schneider and, last not least, by Dr. Buetevisch.

Heidelberg, 2 March 1948.

(signed) Dr. Matthias Pier

(Dr. Matthias Pier.)

I certify herewith that the above signature was given before me today.

Heidelberg, 2 March 1948.

(signed) Dr. Kurt Hartmann

(Dr. Kurt Hartmann.)

Assistant Defense Counsel in Case VI.

A F F I D A V I T .

I, Dr. Heinrich Bueterfisch, at present in the Court Jail of Nuernberg, do swear that I render myself liable to prosecution if I make a false statement in oath. I declare on oath that my statement is true and that it was made for use as evidence at the Military Tribunal at the Palace of Justice in Nuernberg, Germany.

Supplementing the statements regarding my activities in the I.G. within sparte I and the Leuna plant which I have made in my interrogation and my affidavits, I compiled the following survey concerning the management of the Karsburg ammonia plant, for the better understanding of the names mentioned by me.

Karsburg Ammonia Plant G.m.b.H. (AWA)

The select plant-management of the Leuna-plant.

Dr. Schneider: Chief of sparte I - Plant Manager of the Leuna-plants - Member of the Vorstand of the I.G. - business manager of the AWA - Member of the T&A.

Dr. Bueterfisch: Technical manager of the Leuna-plants - Member of the Vorstand of the I.G. - Deputy business manager of the AWA - Member of the T&A.

Dr. Sauer: Head Engineer of sparte I - Deputy business manager of the AWA - Member of the T&A.

Dr. von Staden: Chief of production of the Leuna plants - Deputy plant manager - Member of the T&A.

Dr. Strambock: Chief of the machine and construction department of the Leuna plants.

The gentlemen working in the select plant management had far-reaching powers in their special fields of work within the framework of sparte I.

The managers and chiefs of the various departments of the Leuna plant also belonged to the wider plant management.

Nuernberg, 3 April 1948.

(signed) Dr. Heinrich Buetevisch.

(Dr. Heinrich Buetevisch.)

I certify the above signature of Dr. Heinrich Buetevisch which has been affixed before me.

(signed) Dr. Kurt Hartmann

(Dr. Kurt Hartmann).

Assistant Defense Counsel
in case VI.

Affidavit.

I, Wilhelm Bachmayer, graduated Engineer and Chief Engineer, residing in Neustadt a.d.Rdt., Gerichtsstrasse 29, am aware that I render myself liable to prosecution if I make a false statement on oath. I declare on oath that my statement is true and that it was made for use as evidence at the Military Tribunal at the Palace of Justice in Nuernberg, Germany.

Since 1927 I was employed as engineer with the I.G. Farbenindustrie Ludwigshafen/Rh. and since 1934 I was working at cost estimates of installations and calculations concerning the profitability particularly of nitrogen, - hydrogenation - and methanol installations, so that I have great experiences in this field.

I have in front of me a statement of the firm of Friedrich Uhde K.G. Dortmund of 27 February 1948 concerning the costs of the refinery installations. In his calculations Uhde comes to the result that a refinery installation for the production of 100 000 tons of gasoline per year, in a construction suitable for German conditions, would cost 45 to 55 million of Reichmarks.

On the basis of my experiences I can state that hydrogenation installation for the processing of soft-coal with a capacity of 100 000 tons per year would with the necessary general and subsidiary installations, cost about 100 millions of Reichmarks, at the price level of 1938. Hydrogenation installations which use tar, petroleum or cracking residues are still cheaper.

Ludwigshafen/Rh. 23 March 1948.

(signed) Wilhelm Bachmayer
(Wilhelm Bachmayer.)

Document Dr. Buetevisch No. 328.

I herewith certify the above signature of Wilhelm Bachmayer who is personally known to me.

Ludwigshafen/Rh., 23 March 1948.

(signed) Dr. Kurt Hartmann
(Dr. Kurt Hartmann).
Assistant Defense Counsel in case VI.

A f f i d a v i t .

I, Hans K e h r l , born on 8 September 1900, former chief of the Planning Office in the Reich Ministry for Armament and War Production at present in the Court Jail of Nurnberg, am aware that I render myself liable to prosecution if I make a false statement on oath. I declare upon oath that my statement is true and that it was made for use as evidence at the Military Tribunal No. VI, Palace of Justice in Nurnberg, Germany. I declare upon oath:

Dr. Buetevisch was the Chief of the Economy Group Motor Fuel (Wirtschaftsgruppe Kraftstoff) during the war and as such he had the task in his official capacity, to compile the production figures of the plants in the Economic Group, to distribute the production according to the needs of the Ministry of Economics and Armament and to furnish the authorities with informations regarding technical matters connected with the plants. When the air raids on the communications in Germany increased in 1943 and in the face of the constant attacks of enemy air forces on the German mineral oil plants unparalleled in history, Dr. Buetevisch, at the beginning of 1944, on instructions of the Armament Ministry, received the order, whenever disturbances occurred at the various mineral oil plants, especially the hydrogenation plants, to try and get, through personal inspection, an idea of the technical possibilities of restarting the plants and to make a report to the Mineral Oil Department

of the raw material office as quickly as possible. I myself passed this directive on to Dr. Buetevisch with the order that his tasks concerning the private economy had to wait.

During this time, Dr. Buetevisch's time was so much taken up by this official job which he could not refuse, that, due to the great number of air attacks and their quick succession, he had hardly time enough to inspect all the plants as often as the development of the war and my constant urging would have made it necessary. Under these circumstances he had probably only very little time to fulfil the duties towards his firm. Dr. Buetevisch's task was not to deal with detailed plans of reconstruction with regard to repairs or with the solution of problems of labor allocation connected with them. These problems were naturally handled by the damaged plants themselves. The work which was done at this time by Dr. Buetevisch and into which he put all his strength, must have belonged to the most exciting and time consuming tasks within the entire economy.

These statements are true and were made without any coercion. No advantages were granted or promised to me. I have read and signed this statement on oath.

Munich, 15 January 1948.

(signed) Hans Kehrl.
(Hans Kehrl)

Document Dr. Buetevisch No. 323.

I certify and confirm the above signature of Hans Kehrl, Nuernberg,
Palace of Justice, Court Jail, who has been identified by me.

Nuernberg, 15 January 1948.

(signed) Dr. Grube.

(Dr. Grube.

Defense Counsel for the defendant Kehrl.

Affidavit.

I, Hildegard E u n t z e , nee Naumann, residing in Bad Sachsa/
Suedhara, Bismarckstrasse 12a, am aware that I render myself liable to
prosecution if I make a false statement on oath. I declare upon oath
that my statement is true and that it was made for use as evidence at
the Military Tribunal in the Palace of Justice, Nurnberg, Germany.

I.) I was born in Potsdam on 25 April 1905. Since 1 February 1927
I was employed with the I.G. Farbenindustrie in Berlin NW 7 and from
1 January 1939 onwards as Dr. Heinrich Buetevisch's secretary. I held
this position to the end of the war. Dr. Buetevisch worked alternatively
in Leuna and in Berlin. My duty consisted, amongst other things, in
making arrangements for all the conferences, and in making appointments.

II.) Owing to the long period of my employment with Dr. Buetevisch,
I naturally cannot remember all the dates in details. I can however,
on the whole, remember pretty well the events of this time. Thus I re-
call with certainty that, in spring 1941, I received a telephone call
of an agency in which a representative of the I.G. was requested to come
to a SS-Main office, to SS-Obergruppenfuehrer Wolff, in order to discuss
the Auschwitz project and the labor questions connected with it. Today
I could not state anymore of which agency this call came. I suppose
that it was made by the Reich Ministry of Labor

or the Gebechen (General plenipotentiary for special problems of the chemical production). As there was none of the leading Farben people in Berlin who was informed about this project and as Dr. Buetevisch regularly spent a few days of the week in Berlin, I passed this telephone message on to him. Dr. Buetevisch pointed out to me that he was not very well informed about the labor problems of the Auschwitz plant and asked me to invite Dr. Duerrfeld and another gentleman from Auschwitz to come to Berlin for a conference. Consequently I made an appointment with SS-Obergruppenfuhrer Wolff. It is possible that I made this appointment via Kronefuss' office because, owing to Dr. Buetevisch's work at the Brobag, I had to deal with this office quite often, whilst the office of SS-Obergruppenfuhrer Wolff was completely unknown to me. However, I cannot recall these facts very well today anymore. Dr. Buetevisch went to the appointment with the two gentlemen from Auschwitz. According to my knowledge that was the only instance of Dr. Buetevisch going to a conference to a SS agency during my employment with him. This is also the reason why I recall this incident so well.

III.) According to the knowledge based on my work in the Berlin office of Dr. Buetevisch, he had very little to do with the Auschwitz project. Letters concerning the Auschwitz plant passed only very seldom through my hands. The correspondence as well as the discussions which Dr. Buetevisch had in Berlin with re-

gard to Auschwitz, only referred to technical questions, as far as I know. According to my knowledge, they never concerned labor problems, since these matters did not belong to Dr. Buetevisch's field of activity.

Dr. Buetevisch visited the Auschwitz plant only very seldom; according to my estimate once or twice a year at the utmost. He may not have been in Auschwitz for a whole year. I am certain of the facts mentioned above, since I always had to buy the necessary tickets and sleeper reservations for all the trips and ^{was} thus, I/always very well informed about Dr. Buetevisch's travels.

Bad Sachsa, 13 October 1947.

(signed) Hildegard Kuntze, née Naumann
(Hildegard Kuntze, née Naumann.)

I herewith certify the signature of the wife Hildegard, divorced Kuntze, née Naumann, in Bad Sachsa, Bismarckstrasse 12 a, personally known to me, who affixed her signature before me.

Bad Sachsa, 15 October 1947.
signed: Dr. Gerhard Lohoff.
Notary Public.

No. 354 of the document file for the year 1947.

Computation of fees: (Value: 3.000 RM)
according to decree of 30 September 1946.
Fee for the certificate 4.-- RM
Turnover tax 3% 0.12 RM
4.12 RM.

The Notary Public:

signed: Dr. Lohoff.

A f f i d a v i t .

I, Dr. Johann Giesen, residing at Uerdingen, Am Roettgen 32, am aware that I render myself liable to prosecution if I make a false statement in lieu of oath. I declare in lieu of oath that my statement is true and that it was made for use as evidence at the Military Tribunal No. VI, Palace of Justice, Nuerenberg, Germany.

I was born on 18 February 1896 at Essen. I have been employed by the Leunawerke of the I.G. Farbenindustrie since 1923, last as chief of the Organic Department. In this capacity it was my duty to plan and supervise the Methanol- and Isobutyl-plants which were to be erected at Auschwitz. Because of this position of mine I know the following about the erection and management of the Auschwitz plant:

Auschwitz was a combination plant of the branches 2 and 1. Branch 2 was represented above all through the Ludwigshafen plant. Leuna was considered as a typical plant of branch 1. Auschwitz was planned as a Buna-Werk by Ludwigshafen and Leuna joined it with a synthesis-installation for carbo-hydrogen. Hence the specifications, plans, drawings for branch 2 at Auschwitz originated from Ludwigshafen, those for branch 1 from Leuna.

Dr. Ambros became the exponent of branch 2 at Auschwitz, Dr. Buetevisch the exponent of branch 1. Chief (Leiter) of the Buna-section (branch 2) was Dr. Eisfeld, of the Leuna-Section (branch 1) Dr. Braus. Dr. Duerrfeld was in charge of the construction of the entire plant. The liaison men Dr. Eisfeld and Dr. Braus worked in close connection with the particular officials (Sachbearbeiter) on the subject at Leuna and Ludwigshafen. With regard to the development of their fabrications they received their directions from the main plants and had to see to it that the plans and demands of the individual branches at Auschwitz agreed.

The plant management at Auschwitz was independent and followed only roughly the outlines of the I.G. general policies. Consequently the management of the branches and/or the gentlemen appointed by it had very little influence upon local conditions; an influence on details was according to the general customs of the I.G. neither intended nor at all possible.

Auschwitz, as far as raw materials are concerned, looked out for its needs all alone and also independently took care of the procurement of labor. Of course, at meetings and conferences at Ludwigshafen, Berlin, Leuna or Auschwitz where building plans were discussed, possible contingent difficulties were pointed out but these questions received only very general consideration.

Verdingen, 21 January 1948.

(signed) Dr. Johann Giesen
(Dr. Johann Giesen)

I hereby certify that the signature of Herr Dr. Giesen of Verdingen, Am Roettgen 32, affixed today in my presence is authentic.

Verdingen, 21 January 1948.

(signed) Werner Bross
(Werner Bross)
Assistant to Dr. Flaechner in
Case VI.

This is a true copy of Document Bu 178.

Muenberg, 12 February 1948.

(signed) Dr. Hans Flaechner
(Dr. Hans Flaechner)

A f f i d a v i t .

I, Paul Pleiger, at present in the Nurnberg Court Prison, am aware that I render myself liable to prosecution if I make a false statement in lieu of oath. I declare in lieu of oath that my statement is true and that it was made for use as evidence at the Military Tribunal Nurnberg, Germany.

I was Vorsitz of the Reichsvereinigung Kohle from the time it was founded in 1941 until spring 1945. Hence I am acquainted with the system and organization of the coal industry in Germany during that period. Based on my expert knowledge I declare the following:

The German coal production program was set up by the Oberste Berg-behoerde (highest mining authorities) on the basis of the import of the Reich Ministry of Economics, later the Speer-Ministry. The final figures of the amount to be produced were given to the individual plants by the mining authorities in consultation with the plant-managers. Permission for enlargement and/or erection of new plants was given by the mining authorities of the state.

Nurnberg, 3 April 1948.

(signed) Paul Pleiger
(Paul Pleiger)

I hereby testify that the signature of Herr Paul Pleiger, at present Nurnberg, Court Prison, was given in my presence and is authentic.

Nurnberg, 3 April 1948.

(signed) Werner Bross
(Werner Bross)
Assistant Defense Counsel
in Case VI.

C O P Y :

Law concerning Corporations (Aktiengesellschaften)
and Share Companies en Commandite (Kommanditgesellschaften
auf Aktien)
(Corporation Act)

of 30 January 1937 (Reichsgesetzblatt I, 107)

First Book.

Corporation (Aktiengesellschaft)

Part Four.

Organization Corporation (A.G.)

Division 1:

Vorstand.

Article 70

D i r e c t i o n (Leitung) of the Corporation.

(1) The Vorstand on its own responsibility is to direct the corporation in such a manner as the interests of the plant and its employees and the common benefit of people and Reich demand.

(2) The Vorstand may consist of one or several persons. If a member of the Vorstand has been appointed Vorsitzender of the Vorstand, the decision in case of differences of opinion rests with him if the statutes do not provide otherwise.

Article 71

R e p r e s e n t a t i o n of the Corporation.

(1) The Vorstand represents the corporation in legal and other matters.

Division 2

Aufsichtsrat (Board of Directors)

Article 86.

C o m p o s i t i o n of the Aufsichtsrat.

(1) The Aufsichtsrat consists of three members. The statutes may set a higher number. The maximum number of members of the Aufsichtsrat is to be in corporations with an original capital

up to	3,000,000.- RM	seven
of more than	3,000,000.- RM	twelve
of more than	20,000,000.- RM	twenty.

The Reich Minister of Economics may in agreement with Reich Minister of Justice and the other Reich Ministries concerned, permit exceptions if the interests of the corporation or the total economy demand it.

(2) A legal entity cannot be a member of the Aufsichtsrat. Furthermore, one cannot be a member if one already is a member of the Aufsichtsrat of ten corporations (A.G.) or Kommanditgesellschaften auf Aktien; as far as appears necessary in the economic interests of the Reich, the lands, municipal units or municipalities or economic enterprises, the Reich Minister of Justice in agreement with the Reich Ministries concerned may issue different regulations and directives.

Article 90.

Impossibility of Combining Membership of Vorstand and Aufsichtsrat.

(1) The members of the Aufsichtsrat cannot at the same time be members of the Vorstand nor can they permanently be representatives of members of the Vorstand. They cannot conduct the business of the company as employees either.

(2) The Aufsichtsrat can appoint its individual members as representatives of members of the Vorstand who may have been prevented from attending, for a previously limited period only. During this period they are not allowed to act as members of the Aufsichtsrat. Prohibition of competition of Art. 79 does not apply to them.

Article 93.

Attending Meetings of the Aufsichtsrat and its Committees.

(1) Persons who are not members of either the Aufsichtsrat or the Vorstand shall not attend the meetings of the Aufsichtsrat and its committees. Experts and consultants may be called in for advice on certain subjects.

(2) Members of the Aufsichtsrat who are not on a committee may attend committee-meetings if the statutes or the Vorsitz of the Aufsichtsrat do not rule otherwise.

(3) The statutes may permit that persons who

are not members of the Aufsichtsrat may attend the meetings of the Aufsichtsrat and its committees in place of members of the Aufsichtsrat if these have authorized them in writing to do so. They also may bring in votes of the members of the Aufsichtsrat in writing. These regulations do not apply to the Vorsitz of the Aufsichtsrat and his representatives.

- (4) Other legal regulations remain unchanged.

Article 94

Convoking of Aufsichtsrat.

(1) Any member of the Aufsichtsrat or Vorstand may request the Vorsitz of the Aufsichtsrat to call together the Aufsichtsrat without delay; purpose and reasons must be stated. The meeting must take place within two weeks from the date it has been convoked.

(2) If the request expressed by at least two members of the Aufsichtsrat or the Vorstand has not been complied with, the persons applying may convoke the Aufsichtsrat themselves while stating the position.

Article 95

Duties and Rights of the Aufsichtsrat.

(1) The Aufsichtsrat supervises the business transactions.

(2) The Aufsichtsrat may at any time request the Vorstand to submit a report concerning the business of the company including its connections with a "Konzern". An individual member can also request a report, but only one to the Aufsichtsrat as such; in the event of the Vorstand refusing to submit such report, the report can only be demanded if the Vorsitz of the Aufsichtsrat supports the demand.

(3) The Aufsichtsrat may inspect and examine the books and papers of the company and also its assets, especially the company's cash and its stock in securities and goods; The Aufsichtsrat may delegate this task also to individual members or, for certain matters, to special experts.

(4) The Aufsichtsrat is to call a general meeting whenever the interests of the company demand it.

(5) Measures of the business management cannot be delegated to the Aufsichtsrat. The statutes or the Aufsichtsrat may, however, specify that only with its consent may certain types of business be transacted.

(6) The members of the Aufsichtsrat may not let others perform their duties.

Article 96

R e p o r t t o t h e G e n e r a l M e e t i n g .

(1) The Aufsichtsrat shall examine the annual balance sheet, the proposal for the distribution of profits and the business report and submit a report to the general meeting.

(2) In this report the Aufsichtsrat shall state in what manner and to what extent it had examined the business transactions of the company during the fiscal year, what office examined the annual balance sheet and the business report and whether these examinations in their final result gave rise to considerable objections.

Article 97

R e p r e s e n t a t i o n o f t h e C o m p a n y .

(1) The Aufsichtsrat is authorized to represent the company in legal transactions with the members of the Vorstand and to take such legal action against them as has been decided by the general meeting.

(2) The Aufsichtsrat, if it is a question of responsibility of one of its members, can start proceedings against the members of the Vorstand without and even against the decision of the general meeting.

* * * * *

This is to certify that the above is a true and correct copy of the original.

Buerberg. 3 March 1948.

(signed) Dr. Hans Flaeckner
Attorney-at-Law.

Certified Copy.

Commentary to the Corporation Law

by Gadow, Heinichen, L. Schmidt, M. Schmidt and Weipert

Berlin 1939, Walter de Gruyter & Co.

Page 244/5, Article 70, Annotation 7.

The Vorstand will manage the company under its own responsibility. It has, in this sphere, the power to take independent decisions. This defines his conduct towards the other organs of the administration. Decisions concerning the conduct of the joint-stock company, measures concerning the business management cannot be taken by the other organs of the administration. The articles of incorporation cannot confer these rights to the Aufsichtsrat. The Aufsichtsrat cannot usurp them. (Article 95, par. 5, annotation 18, seq.) Nor can the General Meeting arrogate to itself decisions in questions touching upon the business management. The articles of incorporation cannot reserve such decisions to the General Meeting. The Aufsichtsrat, it is true, may under the powers, granted it in article 95, par. 4, to call the General Meeting, cause it to take a decision on a question concerning the business management, but cannot thereby eliminate the power of the Vorstand to take independent decision in this question (Art. 103, par. 2, annotation 5).

These rules brought about a fundamental change as compared with the former law. The Commercial Code had no provision that corresponds to article 70, par. 1. It afforded the possibility to effect a shift of the competencies between the organs of administration, such as had also been envisaged by the Commercial Code. In many cases the articles of incorporation provided that the Vorstand was bound to follow the orders of the Aufsichtsrat. It was a matter of controversy, however, whether the whole of the business management, apart from the measures reserved to the Vorstand by law and the legal rights of the General Meeting, could be conferred to the Aufsichtsrat. Brodmann (Article 231, annotation 1 a) had denied it, the prevailing doctrine and judicial practice had recognized it (RG in HRH. 1930 No. 305 OLG Hamburg in JHR 35, 247, Staub Article 246, annotation 10). The Vorstand had in such cases become a mere executive organ of the Aufsichtsrat. It was even considered to be admissible to provide in the articles of incorporation, side by side with the Aufsichtsrat, for a special administrative gremium, possibly an administrative council, and to entrust the management to it. Such provisions of the articles of incorporation are inadmissible according to article 70 (Article 95, annotation 18). The division of the competencies as provided by the article 70 is of a compulsory nature. The freedom to contract out of the provisions

concerning the delimitation of the competencies and responsibilities of the Vorstand and the other organs of the administration has been abolished, as far as the law itself does not provide otherwise.

Page 390, Article 95, Introduction,

This provision has replaced article 246, par. 1, clause 1 - 4, par. 2 - 4 of the Commercial Code. The fundamental difference as against the former state of affairs is to be found in the abolition of article 246, par. 3, of the Com. Code, and the introduction of article 95, par. 5, of the Corporation Law. According to the old, the new law the Aufsichtsrat has to supervise the business management. But whilst, according to article 246, par. 3, of the Com. Code, further duties could be conferred upon it by the articles of incorporation and the possibility to entrust the business management to the Aufsichtsrat and to subordinate the Vorstand to its instructions was derived therefrom, article 95, par. 5, forbids any such ruling (prefatory remark before article 18). The Aufsichtsrat is, on principle, excluded from business management and restricted to the supervision of the business management. The Vorstand is the independent head of the enterprise; its activities in the management of the business can only be restricted, according to par. 5, clause 2, by requiring for specific types of transactions the consent of the Aufsichtsrat.

Page 391, Article 95, Annotation 4.

The duty of supervision is incumbent upon the Aufsichtsrat as a body. It cannot, by the articles of incorporation, be conferred upon any other organ, nor to a committee of the Aufsichtsrat, nor to any of its individual members. Nor can its scope be restricted by the articles of incorporation. The right and the duty to supervise the business management in addition to the special functions and powers conferred upon the Aufsichtsrat in articles 95, 96 for the purpose of the implementation of, as well as the cooperation in, the establishment of an annual financial report (Feststellung des Jahresabschlusses) form the minimum power under the law of the Aufsichtsrat (RG in JW. 1924, 1144).

Page 359, Article 95, Annotation 13.

If there is a divergence of opinion between the Vorstand and the Aufsichtsrat, the opinion of the Aufsichtsrat does not necessarily prevail. The Aufsichtsrat is the organ of supervision but not the superior of the Vorstand. The Vorstand need not subordinate itself to the opinion of the Aufsichtsrat.

Page 397, Article 95, Annotation 18.

Measures of the business management may

not be conferred to the Aufsichtsrat (Par. 5, clause 1). About the fundamental significance of this provision see introduction to article 95 and article 70, annotation 7. It is inadmissible to confer such rights either directly by assignment or indirectly by granting the power to give orders to the Vorstand. Provisions in the articles of incorporation to that effect are invalid. The Aufsichtsrat can no more be raised to the status of an administrative body with managerial rights placed above the Vorstand.

Page 404, Article 97, Introduction:

The Vorstand is, as a rule, the legal representative of the joint-stock company (Article 71). The Aufsichtsrat's right to represent the company only applies with respect to the Vorstand members. But this right is not general and not exclusive. Except for the cases provided for in article 97, the law provides for legal representation of the joint-stock company by the Aufsichtsrat in the case of nullity complaints, but in principle only in conjunction with the Vorstand, without it only if the latter is the complainant itself. (Article 199).

Page 405, Article 97, Annotation 3:

The power to represent the joint-stock company is vested, in principle, in the Aufsichtsrat as a body, not in its individual members (RG. in JW. 1928, 2152; KHRJ. 31 A 197). But it can, according to article 93, par. 4, delegate the representation to a committee; in that case the joint-stock company will be represented by the committee members as a whole. In isolated cases the Aufsichtsrat may empower one of its members to represent it exclusively (RG. in JW. 1904, 10030).

Page 377, Article 92, Annotation 5:

The functions of the chairman of the Aufsichtsrat are derived from the nature of his position, the law and the articles of incorporation. In contradistinction to the chairman of the Vorstand (Article 70), the position of the chairman of the Aufsichtsrat is not superior to that of the other members along the lines of the Führer-principle: in cases of divergence of opinion the decision is not his; nor may the articles of incorporation contain such a provision. It is inherent in the nature of the Aufsichtsrat as an organ for supervision acting under joint responsibility that an individual cannot have the power to decide on its own (compare also annotation 7). The chairman is charged with the actual management of the business of the whole of the Aufsichtsrat; his are all the duties and rights which commonly fall to the president of a collegiate body (Official reasons; RGJ. 40 A 88). He has, in particular, to call, and to preside, at the meetings of the Aufsichtsrat (compare Article 94). This does not rule out his allowing, in specified cases, the chair at a meeting to be taken by some other Aufsichtsrat member. (According to par. 2,

he or his Deputy has to sign the minutes of the meeting (annotation 21). He has to carry out the decisions of the Aufsichtsrat, as far as, in so doing, an overt act is necessary, provided that the carrying-out of the decision does not fall in the sphere of business of the Vorstand. As far as the entire Aufsichtsrat must not act overtly too (compare article 97 and annotations). But the Aufsichtsrat chairman is not a separate organ of the joint-stock company! (also D. Mitter, annotation 3 a; compare RG in JFG 1, 224). In doubtful cases he is authorized to make statements to the public agreed upon by the Aufsichtsrat and to receive statements intended for the Aufsichtsrat but he has no independent authority of representation. His declarations, therefore, bind the company only in so far as they are covered by decisions of the entire Aufsichtsrat or have been approved subsequently. (RG 90, 207).

The Aufsichtsrat chairman maintains the relationship between the Aufsichtsrat and the Vorstand.

Page 377/8, Article 92, Annotation 7:

By the articles of incorporation the Aufsichtsrat chairman may be assigned other duties and powers. These duties, however, must always be within the purview of the general position of the Aufsichtsrat; the position of the chairman cannot be modified against the intentions of the law. The chairman cannot be empowered to take decisions which under the law belong to the sphere of the Aufsichtsrat as a body (Official reasons; RG in JFG 1, 224). It would be inadmissible for the rest of the Aufsichtsrat members to be bound to the orders of the chairman or that, in the case of divergent opinion, he would have the exclusive right to decide (annotation 5). It is inadmissible to confer upon the chairman exclusive powers though the latter may not compulsorily be reserved to the entire Aufsichtsrat (as for instance appointment and dismissal of the Vorstand or consent to legal transactions of the Vorstand according to article 95, par. 5 (compare article 95, annotation 22)). Any such provisions in the articles of incorporation which the former law admitted, have become invalid. The joint-stock company law does not allow of the delegation of such powers of the Aufsichtsrat to any of its individual members, but only to committees of the Aufsichtsrat (annotation 23 seq.).

As a duty which may be assigned to the chairman by the articles of incorporation the chairmanship of the general meeting, which is not regulated by the law, may be named. It is to be assumed, furthermore, that the articles of incorporation may confer upon the chairman the legal right to represent the Aufsichtsrat (article 97, par. 1) (Schlegelberger annotation 9).

The articles of corporation can provide for a strengthening of the position of the chairman. It can provide that

his vote is to be a casting vote or that the capacity of the Aufsichtsrat to take decisions is to depend on his, or his deputy's attendance (Jur. Rundsch. 1933 No. 1446) or that he or his deputy must belong to a Aufsichtsrat committee.

Page 378, article 92, annotation 11;

The Aufsichtsrat acts as a collegiate body (article 86, annotation 15; article 95, annotation 4; RG 90, 206). When it is not a matter of duties which, according to par. 4 may be duly conferred upon a committee of the Aufsichtsrat or which, due to their nature, call for the activity of individual members or which are assigned to the chairman (supra, annotation 5 f), every member has the right of participation, especially the right to participate in the taking of decisions.

* * * *

Certified to be a true copy of extracts from the portions stated of the book before me "Aktengesetz", commentary by Gadow, Heinichen, E. Schmidt, W. Schmidt und Weipert.

Muenberg, 13 February 1948.

(signed) Werner Dross
(Werner Dross)
Assistant Defense Counsel
in Case VI.

Certified Copy.

GUTTENFAG's Compilation
of German Reich Laws No. 205

Selected Provisions of the German Corporation Act
(Shares Law)
of 30 January 1937 (Reich Law Gazette I, P. 107
and following)

Explained by
Reinhard Frhr. von GODE and Dr. Hans WILHELM

Berlin and Leipzig 1937
Walter de GRUYTER & Co.

P. 312 Article 95

I. General.

Articles 95 through 97 concern the duties of, and rights ensuing to the Aufsichtsrat (supervisory board). The Aufsichtsrat is that organ of the corporation which has to supervise the business management of the Vorstand (paragraph (1)). The Aufsichtsrat may in exceptional cases also be the organ of representation, particularly, according to the positive, legal provision of Article 97, when undertaking legal transactions with Vorstand members, or when suing them, and also pursuant to Article 199 (2), in a suit of impeachment. The Aufsichtsrat is excluded, as a matter of principle, from the managing of the business (compare paragraph (5)). Certain rights are vested by paragraphs (2) and (3) of this Article in the Aufsichtsrat in order to enable it to exercise its duties of supervision. According to paragraph (4) it is bound to call a general meeting if the interests of the corporation so require. Paragraph (6) provides that Aufsichtsrat members may not have their obligations carried out by third persons (compare, however, Article 93 (3)). The former Law (compare Article 246, Commercial Law Code) has not been much changed materially (compare, however, with annotation 5 and 8); paragraph (5) is now (compare subsequent annotation 10).

P. 312 Article 95 II. 1.

The most important task of the Aufsichtsrat - from which it derives its name - is to supervise the business management of the Vorstand. Where to draw the line between the SUPERVISION OF THE BUSINESS MANAGEMENT and the business management itself - if the supervision, on the one hand, is not to become meaningless and, on the other hand, the supervised party is not to be made the inferior of the supervisor - constitutes one of the most difficult problems whose satisfactory solution calls for a very careful weighing of the law's purposes. The official reasons (introductory annotation ad 70 through 124) want to imply that these provisions make for a sharper delimitation of jurisdictions of the various administrative agencies. The law states that

(page 2 of original)

the Aufsichtsrat itself must not be assigned tasks which are those of the business management, and that, by the articles of incorporation and by Aufsichtsrat resolution the Aufsichtsrat's consent may be reserved only to certain clearly defined types of business, and not to all sorts of transactions, and that it is not permissible to generally charge the Vorstand with the duty - as was regularly done in the past by the articles of incorporation - to follow the instructions of the Aufsichtsrat (paragraph 5). According to Article 84(4), neither the instructions nor the consent of the Aufsichtsrat would release the Vorstand from its own responsibility. It may also be taken as clearly contrary to the intentions of the law if an excessive use were made of the authority granted to the Aufsichtsrat by paragraph 5 of the articles of incorporation - which prescribe the consent of the Aufsichtsrat to certain types of transactions - which in fact would require the Vorstand to obtain the Aufsichtsrat's approval for all important business dealings. However, a sensible use of this authority is quite advisable, because it is specially designed to create a clearly defined procedure.

P.316 Article 95 10:

Through a basic change of the former legal situation it is no longer possible to charge the Aufsichtsrat with the execution of business measures. Although one could not - through the articles of incorporation - assign until now the Aufsichtsrat with representing the corporation - it was largely charged with the running of the business affairs. This is now, because of the binding provision of Article 70 (1), exclusively in the hands of the Vorstand.

P.304 Article 92 II. 3. :

Concerning the work of the chairman (Vorsitzer) the law states in this section only that he has to sign the minutes of the Aufsichtsrat meetings, and thus be responsible for their contents and completeness. Moreover, he must manage the Aufsichtsrat meetings and arrange for the preparation and execution of the resolutions of the Aufsichtsrat. Additional duties become evident from the law (compare Articles 93, 94, 95, 141 paragraph (3), 151, 155, 176, 180). These provisions indicate that the chairman is to be considered as the MANAGER AND AS REPRESENTATIVE of the AUFSICHTSRAT. Consequently he is also its spokesman, and authorized and obligated to make public statements for the Aufsichtsrat only (but not of his own opinions), and if they are in writing to sign them, and to announce and publish resolutions.

The chairman of the Aufsichtsrat, who is by custom obliged to manage the GENERAL MEETING, shall do so, however, only if expressly so provided by the statutes.

P. 304 Article 92 4. :

Although the Vorstand must report who had been elected, the names of the chairman and his deputy shall not be entered

Document Dr. BUETEWISCH No.213

Exhibit No. _____

(page 3 of original)

in the Commercial Register.

* * * * *

I herewith certify the foregoing to be a true copy of excerpts
from the book "GUTTENBAG's Compilation No.205" Shares Law, explained
by v.GODIN and WILHELM.

Muenberg, 12 February 1948.

(signed) Werner BROSS,
(Werner BROSS)

Assistant Defense Counsel
in Case VI.

Certified Copy.

New Formulation

of the Articles of Incorporation according
to the New Corporation Law by
Dr. Philipp MOHRING Dr. Gustav SCHWARTZ

Berlin 1938

Published by Franz Vahlen.

P. 67

Die Vorstände.

10. Limitation on the Authority of Business Management in
Internal Affairs.

The articles of incorporation or the Aufsichtsrat may circumscribe the authority of the business management, for instance, by the issuance of rules for business procedure.

According to Article 95, paragraph 5, the articles of incorporation or the Aufsichtsrat may also rule certain transactions to be permissible only with the Aufsichtsrat's consent. According to Article 74, paragraph 1, as well as Article 95, paragraph 5, the articles of incorporation may limit the Vorstand members' measure of authority concerning the management of affairs.

P. 68

The articles of incorporation and a resolution by the Aufsichtsrat may order only such restrictions which are in harmony with the independent and separate position of the Vorstand, as intended by the law. Any provision of the articles of incorporation which obligates the Vorstand to abide by the instructions of the Aufsichtsrat is, therefore, proper. It is also not permissible to make the Aufsichtsrat the superior of the Vorstand by a detour via Article 95, since the latter is almost completely limited in its freedom of action by the requirement of getting the approval of the Aufsichtsrat in every case. As a still permissible restriction, according to Article 74, must be considered the provision that in cases when there are differences of opinion within the Vorstand it be necessary to obtain the Aufsichtsrat's opinion. However, it is not permissible that the Vorstand be obligated by this opinion. According to Article 95, paragraph 5, only certain transactions may be made dependant on the approval of the Aufsichtsrat. Thus, certain individual types of transactions, but generally not all important business deals, may be required to get the approval of the Aufsichtsrat. The nature of the position of the Vorstand in comparison with the Aufsichtsrat must not be changed by reason of the assent required of the Aufsichtsrat to various individual business deals.

(page 2 of original)

P. 69

12. The Vorstand in its relations to the Aufsichtsrat.a) Vorstand and Aufsichtsrat.

It has already been mentioned in the foregoing that the articles of incorporation do not authorize the Aufsichtsrat to issue orders to the Vorstand. Consequently, the articles of incorporation also may neither give the Aufsichtsrat the right to appoint persons to supervise the business of the Vorstand nor to issue orders to it. One could observe in the past - and this is not possible now any longer in this form - that some companies frequently appointed a delegate (Delegierter) of the Aufsichtsrat, who, by virtue of the authority to issue orders conferred upon him, not infrequently held the position of a supreme manager of the company. Although the Aufsichtsrat may appoint an individual to supervise the Vorstand at all times, he is not authorized to issue orders.

P. 88

7. Business Procedure and Chairman of the Aufsichtsrat.

Since the Aufsichtsrat consists of several members - it is necessary to have a management and a business procedure to regulate its methods of work. For this purpose rules are provided according to Article 92 - which is in contrast to previous law. The provisions of the articles of incorporation concerning the Aufsichtsrat have always included rules regarding the election of the Chairman and business procedure; they are now partly made meaningless due to the legal regulation of Article 92.

a) The Chairman.

Article 92 compels the Aufsichtsrat to have a chairman and a deputy chairman, both of whom must be registered by the Vorstand in the Commercial Register. Article 92 does not contain detailed provisions concerning the election of the chairman and his deputy, the tenure of office and the scope of their transactions. It is rather taken for granted (by Article 92) that the articles of incorporation shall state the detailed provisions. The Aufsichtsrat itself must ELECT the chairman of the Aufsichtsrat and his deputy, both of whom must be its members. (Article 92, paragraph 1, first sentence.)

P. 89/90

The law shows only to a limited degree the BUSINESS FUNCTIONS which the chairman should exercise. Pursuant to Article 92, the Chairman has to sign the minutes of the Aufsichtsrat's meetings and resolutions. According to Article 93, the chairman may

Exhibit No. _____

(page 3 of original)

issue instructions concerning the attendance of members at Aufsichtsrat meetings. According to Article 94, he is obliged to call Aufsichtsrat meetings. According to Article 95, an individual Aufsichtsrat member may request a report - if it was denied - from the Vorstand only if the chairman of the Aufsichtsrat supports this request. According to Articles 151, 155, 176 and 180 he must assist in reporting and carrying out resolutions concerning the increase or decrease of the authorized capital. Pursuant to Article 93, paragraph 3, any voting in writing by a person authorized to act for the chairman or the deputy chairman is excluded. According to the reasons, the chairman, by-the-way, needs to do only that much what the chairman of a "Kollegium" might have to do. The articles of incorporation may in addition extend the powers of the chairman of the Aufsichtsrat. But at no time may the articles of incorporation entitle him to rights, which, by virtue of the law are the Aufsichtsrat's own rights (SCHLEGELBERGER-QUASSOWSKI, annotation 9, ad Article 92; DAUBACH, annotation 3, ad Article 92). Consequently it is also not permissible to make provisions in the articles of incorporation to the effect that the chairman alone shall be authorized to appoint or recall the appointment of the Vorstand. Neither may other decisions be left up to the chairman of the Aufsichtsrat which are dependent of the opinions of the Aufsichtsrat. In particular, he may not be charged with the sole responsibility to approve or disapprove the annual balance. According to the official interpretation he may not even be given the right to make final decisions in differences of opinions as provided in Article 70, para 2, line 3 in the case of the chairman of the Vorstand. The opinion rather starts from the assumption that the Aufsichtsrat must supervise the management of the Vorstand and to assist it with advice and that therefore it would not be correct to charge the chairman of the Aufsichtsrat with the responsibility to render a decision in such cases where another opinion is being held by the remaining member.

As to internal regulations concerning the Aufsichtsrat, the articles of incorporation may authorize the chairman to take all measures essential for the preparation and execution of the board's decisions.

* * * * *

I hereby certify the foregoing to be a true and correct copy of the stated passages from the book "New Formulation of the Articles of Incorporation" by MOHRING-SCHWARTZ.

Munich, 12 February 48.

(signed) Werner BROSS
(Werner BROSS)
Assistant Defense Counsel
in Case VI

Certified Copy

Joint stock Company Law
of 30 January 1937

Edited by

Dr. Dr. Franz Schlegelberger Leo Quassowski
Gustav Harbig Ernst Gessler Wolfgang Hafermehl

all in the Reich Ministry of Justice

1937

Franz Vahlen Berlin N.9. publishers

P. 428 Art. 95, Annotation 1

I. Introduction : 1 General remarks

In article 95 the basic provisions regarding the functions and rights of the Aufsichtsrat are contained. The overlapping of functions of the individual organs of the joint stock company, possible therefore, are done away with and a clear demarcation line is drawn between the duties of the Aufsichtsrat and the Vorstand. The Vorstand has to manage the company, the Aufsichtsrat has to supervise the management (par.1). Managerial functions cannot be delegated to the Aufsichtsrat any more. (par.5).

P. 436 Art. 95 Annotation 28 .

VII Aufsichtsrat and Management (par.5) .

1 General remarks .

In Art. 246 par. 3 of the Commercial Law Code the law valid heretofore, it was established : " other additional functions of the Aufsichtsrat will be established by the articles of incorporation ." This provision has led to a disastrous development, removing the Aufsichtsrat completely from his position as a supervisory organ and making it the actual manager of the company. At the same time the Vorstand became more and more dependent on the Aufsichtsrat and was degraded to an executory organ of the latter.

The joint stock company law constitutes a break with this development and reestablishes the vanished separation between management and supervision of the management. The functions of both organs are sharply demarked from each other. The Vorstand has to manage the company under its own responsibility (art.70 par.1) the Aufsichtsrat has to supervise the management (art. 95 , par. 1). In order to prevent an overlapping of the functions in the future

it is stated explicitly by par. 5 that managerial functions could not be transferred to the Aufsichtsrat .

p. 438 article 95 Annotation 29 *

2. Compulsory law

The Aufsichtsrat may only assume managerial functions assigned by law. Neither by the general meeting of shareholders nor by the statutes may other functions be delegated. A provision in the statute depriving the Vorstand of its managerial functions and delegating them to an other organ would be void.

On the other side the Vorstand can not divest itself of its managerial functions and delegate them to the Aufsichtsrat entirely or partly .

P. 408 Art. 92 annotation 2

I. The Vorsitz of the Aufsichtsrat (par.1)

1. His appointment

a) Compulsory provisions

The concept of a Vorsitz of the Aufsichtsrat is not new . It has been introduced in law for the first time by Art. 244a commercial law code. The amendment to the joint stock company law did not contain any provision as to his appointment and his legal status . The joint stock company law could not let it go at this regulation after presupposing not only the Vorsitz of the Aufsichtsrat as a matter of fact , but also assigning to him compulsory functions, particularly participation in registering legally binding declarations . His appointment could thus not be left to the articles of incorporation, but had to be provided for by compulsory law . At the same time something had to be said about the manner of his appointment , particularly , if he is appointed by the stock holders meeting as the elected organ of the members of the Aufsichtsrat or by the Aufsichtsrat from its midst .

P. 410-1 Art. 92 Annotation 8 and 9

2. His rights

With regards to the rights of the Vorsitz it has only been provided by article 92 of the law that he has to sign the record of the agenda and resolutions of the Aufsichtsrat . Otherwise very few provisions exist in which functions and rights of the Vorsitz have been mentioned , namely art. 93 (right of decision about participation in sessions of the committees) , art. 94 (Convening the Aufsichtsrat) , art. 95 par. 2 (reports of the Vorstand) ,

art. 141 par. 3 (examination of auditing reports by the Vorsitzter of the Aufsichtsrat of the auditing company) , art. 151 (registration of the resolution to increase the capital) and article 180 (registration of the decrease of capital) ,

In the reasons it has been stated , that " the Vorsitzter has not been given the right to cast the deciding vote in the case differences of opinions ^{among} among the members of the Aufsichtsrat , similar to the right of the Vorstand to cast the deciding vote " that " he rather has to perform the usual functions of the president of a gremium " .

Among these functions may be the chairmanship in sessions of the Aufsichtsrat as well as the preparation and execution of its resolutions. "A delegation of functions involving decisions to the Vorsitzter of the Aufsichtsrat has not been considered . "

It will be shown by an examination of the legal status of the Vorsitzter of the Aufsichtsrat under this aspect that he has pursuant to the functions allotted to him by law , all the usual rights of a Vorsitzter of a gremium . (KG J 40 A 87) . He has to prepare the sessions of the Aufsichtsrat , to convene it and to preside , he has to prepare the resolutions of the Aufsichtsrat and to execute them. He is authorized to sign resolutions passed in the name of the Aufsichtsrat for the purpose of publication and to accept declarations of third parties affecting the Aufsichtsrat , e.g. notifications of third parties or resignations of members of the Vorstand . He is not entitled to represent the Aufsichtsrat on the outside (RGZ. 66, 369). He is not an organ of the company administration , but only a member of an organ of the company administration . (KG. JFG. 1, 225) . For this reasons his declarations are of no legal significance for the company or the Aufsichtsrat , on the outside , unless they conform with resolutions passed by the Aufsichtsrat or have been subsequently approved by the Aufsichtsrat . (RGZ . 90, 207) .

Additional functions and rights of the Aufsichtsrat may be delegated to the Vorsitzter of the Aufsichtsrat in his own right by the articles of incorporation . With regard to functions involving the making of decisions only such functions may be delegated to him which have not already been assigned by law to the Aufsichtsrat as such . If the law itself assigns authority to make decisions to a certain organ it thereby prohibits the delegation of this function to an individual member of this organ (conf. JFG. 1, 226 for the case of delegation by the articles of incorporation) . This intention of the legislator is also evidenced by the reasons wherein it is stated that a delegation of authority involving the making of decisions to an individual member of the Aufsichtsrat or its Vorsitzter has not been provided for by law . " An individual member of the Aufsichtsrat is not to have the right to be able

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to take measures involving decisions against the will of all other members . Thus the following clauses in the articles of incorporation would be invalid : delegating the appointment or the recall of the Vorstand or the Vorsitzor of the Aufsichtsrat or to the Vorsitzor of the Vorstand (art. 75 par. 2 and 3) ; delegating to him the declaration regarding the yearly balance (art. 125 par. 2 and 3) or assigning to him the right to give his consent to the issuance of new shares in case of approved capital (art. 169, par.3) . Also decisions regarding participation in profits (art. 77, par. 2 remuneration (art. 78, par. 1 and 2) and the consent to the granting of credit (art. 80 , par. 1) to the members of the Vorstand can not be assigned to him all alone .

The representation of the company may be delegated to the Vorsitzor by the articles of incorporation according to art. 97 par. 1 , as no authority to decide is involved in this activity . In addition all functions not involving decisions , assigned to the Aufsichtsrat by law may be delegated to him .

The above copy of excerpts agreeing literally with the quoted parts of the book before me , " Aktiengesetz " edited by Schlegelberger - Guasnowski , 1937 edition , is hereby certified .

Muernberg 12 February 1948

signed Werner Bross
(Werner Bross)
Assistant Defense Counsel
in case VI

Certified Copy.

Changing the Articles of Incorporation
of the Joint Stock Companies (Aktiengesellschaft)
to conform to the New Corporation Law,

By

Dr. Walter Schmidt

Attorney at Law and Notary Public in Berlin

Berlin and Leipzig

Published by de Gruyter & Co.

Page

The Aufsichtsrat.

The Aufsichtsrat is the legal administrative organ of the AG, established to supervise the management of the corporation by the Vorstand. In contrast to heretofore existing law, the corporation law has limited the rights and duties of the Aufsichtsrat exclusively to supervision and has excluded the Aufsichtsrat from actual management (art.95, para.1 and 5; compare: "The AR as the control organ of the AG"). It may no longer be invested with the power to order the Vorstand to pursue some transaction, or to act as a board of arbitration in settling differences of opinion with the Vorstand (compare example A, art.21): He may assist the Vorstand only in an advisory capacity. The articles of incorporation may only prescribe that certain types of transaction may be executed only with the consent of the Aufsichtsrat (compare example A and B, art.21). Even in the absence of a special provision in the articles of incorporation the A.R. may now business to transact which the Vorstand is required to seek its previous consent (art.95, para.5; "the Vorstand as Manager of the AG"). The law itself has made some provisions for the internal cooperation of the in regard to various important management acts involving the capital structure of the corporation: for instance, the issuance of new shares on the authorized capital and laying down the terms for their issuance. (Art.169, 171, compare annotation 35).

The provisions of art. 246, para.3, of the Commercial Law, according to which the articles of incorporation may charge the A.R. with further responsibilities has been written into the new law.

Page 146, annotation 54.

The AR(Aufsichtsrat)as the Control Organ of the A.G.

According to heretofore existing law it was possible to charge

the A.R. in the articles of incorporation with the management of the A.G. Numerous articles contained the provisions that the Vorstand had to carry out the orders of the A.R. (compare example A, Art.21). The A.R. drew up the statutes for the Vorstand, reserved, however, to itself the right to approve, or disapprove, of important measures taken by the management and was authorized to assume managerial functions at his own discretion. Even though the A.G. was represented by the Vorstand to outsiders, in his relations within the corporation it was in effect deprived of actual management; the Vorstand was only the executive organ of the A.R.

The corporation law excludes such an interchange of competencies and responsibilities. By the compelling provision of art. 95, the Aufsichtsrat's competencies are limited to supervising the management of the business. Managerial functions may not be delegated to the A.R. (compare "Aufsichtsrat"). Provisions to the contrary in the old Articles of incorporation are null and void and must be deleted. The Vorstand is charged with the management of the A.G. under its own responsibility. In its relations within the corporation the Vorstand's managerial and representative functions may be limited only to the extent as to require it to submit certain types of transaction to the approval of the A.R. (art. 74, 95, para. 5). This limitation may be laid down in the articles of incorporation and may also be ordered by the A.R. — without it being expressly empowered to do so in the articles of incorporation — solely in pursuance of its supervisory authority.

Apart from this, the influence the A.R. exerted upon the Vorstand is only an indirect one; it must appoint and recall the Vorstand members (recall only for weighty reasons) and to conclude service contracts.

Page 175-6, Annotation 75.

The Chairman of the Aufsichtsrat.

Whereas the Commercial Law in its art. 244a mentions the chairman of the Aufsichtsrat only as the convener of the Aufsichtsrat meetings, the corporation law contains provisions concerning his election, his position as well as concerning his various rights and responsibilities. In contrast to the position of the chairman of the Vorstand (art.70) the position of the chairman of the AR is not superior to that of the other AR members and does not correspond to a leader position; he cannot render independent decisions in differences of opinion; the individual members of the AR, in consideration of its position as supervisory organ cannot be subordinated to a leader's power of decision. Rather, the chairman of the AR is the head of a collectively responsible board and has the authorities and responsibilities that customarily go with such position (KGJ. 40 A. 67), official opinion. According to that, the chairman of the AR convenes and prepares the AR's meetings, he conducts the procedure in the discussions of the AR, determines the manner according to which votes are to be taken, signs the minutes (art.92, para.2) informs the Vorstand of the resolutions passed or carries them out himself,

(page 3 of original)

for instance, to convene the stockholders meeting in the name of the A.G. (Art.95, para.4).

The competencies of the chairman of the A.G. may be defined in detail in the articles of incorporation (compare examples A and B, para.25), the articles, however, may not change his position so as to conflict with the law. It would be therefore inadmissible to declare in the articles that the remaining members of the A.G. are bound by the instructions of the chairman or that differences of opinion in the A.G. may be settled by him alone. However, the articles of incorporation may contain a provision designed to strengthen his position as for instance that in case of equality of votes he shall have the casting vote (according to RAUBACH, Art.93, annotation 2, this applies to any board without an express provision to that effect), or the articles may make the competency of the A.G. to pass resolutions depending on the presence of its chairman or his deputy (compare OLG. Stuttgart, Jahres Landschau 1933 No.1446). It is no longer admissible that competencies, not expressly reserved to the Aufsichtsrat body, may be left to the chairman of the Aufsichtsrat's sole decision, as for instance, the appointment and the recall of the Vorstand members, as had been frequently the case in the heretofore existing articles of incorporation (J.G. 66,369; Jahres Landschau, loco citato). The law no longer admits such transfer of responsibility to individual members, but only to "committees of the A.G.)."

P.74 Annotation 11

Committees of the Aufsichtsrat.

In actual practice under the corporation law the Aufsichtsrat of large scale enterprises chooses from among its members committees to which certain supervisory and managerial functions are delegated. Art.246, para 1 of the Commercial Law expressly provides that members of the A.G. shall have access to the books and audit the accounts. On the other hand, Art.246, Para.4 of the Commercial Law excludes outsiders from assuming the functions of the A.G. members. Judicial practice has, therefore, declared the setting-up of committees and the authorization of individual members to be admissible only with the proviso that "the legal minimum rights under the Commercial Code", that is to say the legal duties, must remain with the A.G. as a whole (J.G.JW.1924, 1144).

The corporation law approves the setting up committees. Art. 92, Para.4 declares their duties to be for instance the preparation of negotiations and resolutions of the A.G., or the supervision of the execution of its resolutions. Moreover, official opinion declares the delegation of certain DEFINITE functions to a committee of A.G. members to be admissible. Also in this case delegation of authority is admissible only without prejudice to the provisions of Art.95 and 96 - which articles define the responsibilities of the Aufsichtsrat as a body

and without affecting the responsibility of the Aufsichtsrat as a body (art. 95, para 6).

Page 26.

The difference between heretofore existing law and the new law is that the duties in question may no longer be entrusted to individual members but only to a group of members, that is to a "Committee" and that independent managerial functions may no longer be delegated to an AR committee, or to the AR as a whole (compare "the Aufsichtsrat as control organ of the AG (Leitung der AG durch den AR). A permanent authorization of individual members is limited to such functions as auditing the books, the cash accounts of the company and the inventories Art.95, para. 3); apart from this and where unavoidable in view of the nature of the latter in question, an authorization of an individual member is admissible for some supervisory functions such as attending the Vorstand meetings, to take part in negotiation in an individual case and for similar matters. Decisive competencies, however, may never be delegated to an individual AR member.

Page 78.

In all the cases in which the AR is authorized to delegate the duties assigned to it by law to a committee, delegation of such duties to an individual AR member as for instance to its chairman or his deputy is prohibited. In particular neither the articles of incorporation nor the AR itself may authorize the AR chairman to appoint the Vorstand or to conclude service contracts with its members. It is also no longer admissible -- as had been the case heretofore -- to appoint a "delegate" of the AR who is empowered to exercise all the competencies of the AR in regard to the Vorstand.

I hereby certify the foregoing to be a true and correct copy of excerpts from the book of Dr. Walter Schmidt, entitled "Changing the Articles of Incorporation of Joint Stock Companies" (Aktiengesellschaften").

Nuernberg, 1. February 1948.

(signed) Werner Bross
Werner Bross

Assistant Defense Counsel
in Case VI.

Certified Copy

Commentary to the law regarding the
Gesellschaften mit beschränkter Haftung
(formerly Stamb-Hachenburg)

5th edition

in association with

Dr. Fritz Bind and Dr. Walter Schmidt

by

Dr. Max Hachenburg

Berlin and Leipzig 1927

Walter de Gruyter & Co.

2nd volume p. 185

art. 52

If according to the articles of incorporation an Aufsichtsrat is to be appointed the provisions applicable to the Aufsichtsrat of a Aktiengesellschaft pursuant to art. 243, par. 1,2,4 art. 244, until 248 and 249, par. 1,2 of the commercial code, are to be applied correspondingly, as far as nothing else has been stated in the articles of incorporation.

The statute of limitation for actions for damages for dereliction of duty against members of the Aufsichtsrat is 5 years.
Annotation 1

I. The Aufsichtsrat at the G.m.b.H.

The appointment of an Aufsichtsrat is mandatory in German joint stock company law. This institution is typical of German law and stands opposite the Vorstand as an independent organ of administration and control. Most other laws are different. They only know a Verwaltungsrat (conseil d'administration, board of directors). In Germany opinion regarding the Aufsichtsrat is not undivided. It is pointed out more and more, that in the case of big companies the Aufsichtsrat is not in a position any more to fulfill the supervisory functions with which he has been charged by law.

These experiences will not be without significance for the structure of the GmbH.

The appointment of an Aufsichtsrat is not mandatory here . If there is one it is to have the same position as in the case of the Aktiengesellschaft . It has the same rights and duties . This too can be changed by the articles of incorporation , by which the Aufsichtsrat may be shaped to conform with the circumstances of the individual case .

P. 186 , annotation 2 :

An Aufsichtsrat may be introduced into the GmbH only by the articles of incorporation .

P. 186 , annotation 4 :

The function of this organ must be the supervision of management . Even if the Aufsichtsrat has been relieved from its supervisory duties the right of supervision must be left to it . (conf. annot. 37) . A gremium with only advisory functions is no Aufsichtsrat .

P. 197, annotation 34 :

Art. 246 commercial code

The Aufsichtsrat has to supervise the management of the company in all branches of the administration and for this purpose to inform himself of the state of the company . He is entitled to demand reports from the Vorstand about these affairs and to examine books and vouchers of the company the company's cash balance and the stock of securities and merchandise by himself or have them examined by members to be appointed by him . He has to examine the yearly balance sheet, the balance sheets and the suggestions as to the distribution of profits and report to the general meeting .

He has to convene a general meeting if it is necessary in the interest of the company .

Additional functions of the Aufsichtsrat will be established by the articles of incorporation .

The members of the Aufsichtsrat can not delegate the exercise of their functions .

P. 197, annotation 35 :

1. The rights and duties of the Aufsichtsrat .

The Aufsichtsrat of the joint stock company law has a threefold function . He is primarily a controlling organ. This has been stated in art. 246 par. 1 sentence 1 of the commercial code. On the other side it is an administrative organ . This is exemplified by art. 246 par. 2 of the commercial code . Additional functions may be assigned to the Aufsichtsrat by the articles of incorporation (art. 246 par. 3 commercial code)

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in which the Vorstand requires the approval of the Aufsichtsrat are part of the unchangeable stock of the statute law concerning shares. The Vorstand also has the right to invite the cooperation of the Aufsichtsrat in all other cases which it deems appropriate. The Aufsichtsrat participated directly in the administration if it issues directives to the Vorstand concerning the conduct of business (a M. Bauers 2. 24,55) Third: the Aufsichtsrat is the deputy authority (Article 247, commercial Code) But only to the Vorstand.

Page 198, Annotation 35 a:

The GmbH may reform the Aufsichtsrat. But it always has to remain the Aufsichtsrat. The GmbH may restrict the activities of the Aufsichtsrat to supervisory functions only. Participation in the business management and legal transactions as well as law suits with the managers remain activities of the partners. The statutes, however, may also vice versa appoint the Aufsichtsrat as administrative council. The supervision of the business is in that case a matter concerning the partners themselves. In that case the Aufsichtsrat no longer exists even if it is called upon to give its approval to actions of the business manager in certain cases (see above, ann. 2). It (the Aufsichtsrat) may finally be restricted to legal transactions and proceedings (with the business manager). It has then ceased to be "Aufsichtsrat" in the sense of the law.

Page 201, Ann. 38:

The Aufsichtsrat as administrative Council.

Neither the statute law concerning shares nor the GmbH law prescribe a participation of the Aufsichtsrat in the business management itself. The only fact mentioned is the duty to call a stockholders meeting "if necessary in the interest of the company".

Page 201, Ann. 39:

The deed of partnership of an Aktiengesellschaft or GmbH. may confer further interests upon the Aufsichtsrat. The statutes of the Aktiengesellschaft make extensive use of this provision. They are joined in this by the GmbH. This can only mean the participation in administration. The only activity mentioned in the law, the summoning of a stockholders meeting of the Aktiengesellschaft or the GmbH is not a sufficient sphere of duties for the Aufsichtsrat: The participation in administration becomes more manifest the more the supervision of management decreases because of the actual conditions. Whether the Vorstand of the Aktiengesellschaft may be denoted to a simple executor of the Aufsichtsrat by the deed of partnership is not beyond doubt (see Bauers 2 19,122). The law has in any case intended to create a different relationship.

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between Aufsichtsrat and Vorstand . As far as the GmbH. is concerned, such a construction of the organizations , management and Aufsichtsrat appears to be undoubtedly permissible (see also Ann. 6, par. 35) . It may be determined in the deed of partnership that the Aufsichtsrat is to be consulted not only in all important matters. The Aufsichtsrat may not only be granted a right of objection against any action of the manager . The deed of partnership may provide that the manager may act only in accordance with directives of the Aufsichtsrat . It may provide the right of the Aufsichtsrat to enter certain contract at certain times. It may provide that the manager comply with every directive of the Aufsichtsrat .

Regardless of how far the powers of the Aufsichtsrat may extend , it is always the manager alone who remains the representative of the company . The Aufsichtsrat may issue directives to him only . The Aufsichtsrat may request the manager to issue power of attorney to conclude negotiations and transactions . However the Aufsichtsrat itself may never transact business for the company , without special power of attorney . Would the deed of partnership provide for this right also, it would not be the Aufsichtsrat any longer , but would become manager .

It is certified herewith that the above excerpt is an exact copy of the quoted parts of the Commentary to the GmbH law by Hachenburg - Bung-Schmidt .

Nuernberg, 12 February 1948 .

(signed) Werner Bross
(Werner Bross)

Assistant Defense Counsel
in Case VI .

Certified Copy

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German Reich Laws Nr. 32

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Groschuff

Gesellschaften mit beschränkter Haftung

2nd edition

Berlin 1943

Walter de Gruyter & Co .

P. 225

1 General remarks

In contrast to the corporation law an Aufsichtsrat as a supervisory organ is not needed by the GmbH . If, however, an Aufsichtsrat has been established by the articles of incorporation or a later resolution amending the articles of incorporation , the GmbH must have such an Aufsichtsrat .

It is irrelevant whether the Aufsichtsrat is called Aufsichtsrat or Verwaltungsrat , Beirat a.o. unless it has not only advising , but also controlling functions . Its members maintain a contractual relation with the company (a mandate art. 662 and following of the civil code , in case of remuneration a service contract according to articles 611, 675, Conf. Joh. 29,98; RIZ. 81 , 335). They are not Handlungsgehilfe and are not subject to the ban against competition .

Moreover the quoted provisions of the commercial code apply , which are now , according to art. 18 EKaktG , to be replaced by the corresponding provisions of the joint stock company law .
(conf. annotation 2)

They are all not mandatory and may ^{be} eliminated or changed by the articles of incorporation .

P. 226-7

2. The cited provisions of the commercial code

According to art. 18 EKaktG , provisions cited in art. 52 of the commercial code have been replaced by the " corresponding provisions of the joint stock company law ." A formal amendment of the text of art. 52 has no more been ordered yet, than formerly, when art. 244a of the commercial code was inserted into the commercial code . Accordingly art. 94 of the joint stock company law corresponding to art. 244a of the commercial code is not applicable pursuant to law. It may be doubtful , how far the provisions of the joint stock company law agree with provisions of the commercial code in individual cases . In our opinion p. 2-4 par. 1 and 2 of art. 86 of the joint stock company law and par. 1 , sentence 2 of art. 87 of the joint stock company law do not apply . Accordingly the following provisions are to be replaced :

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Art. 245 par. k, 2,4 commercial code by Art. 86 par. 1 sentence 1
Art. 87 sentence 1 and par.
2,3 joint stock company law.

Art. 244	commercial law code by Art. 91	joint stock company law.
Art. 245	commercial law code by Art. 98	joint stock company law.
Art. 246	commercial law code by Art. 95, 96	joint stock company law.
Art. 247	commercial law code by Art. 97	joint stock company law.
Art. 248	commercial law code by Art. 90	joint stock company law.
Art. 249	commercial law code by Art. 99	joint stock company law.

I hereby certify that the above is a literal copy of passages cited,
contained in the book before me, Groschuff, Gesellschaften mit
beschränkter Haftung, 2nd edition.

Nuernberg, 12 February 1948

signed Werner Bross
(Werner Bross)
Assistant Defense Counsel
in case VI

A f f i d a v i t

I, Attorney Friedrich S i l s c h e r, Resident at Berlin-Gesundbrunn, Hermannstrasse 2, have been informed that I am liable for punishment if I submit a false affidavit. I declare on oath that my statement is true and that it was made for use as evidence at the Military Tribunal VI in the Palace of Justice, Nuremberg, Germany.

1. Having worked together with Dr. Buotefisch at the I.G. for several years in the mineral oil field, one of the main impressions I gained was that Dr. Buotefisch always tried to apply common sense to economic matters and that the economical line which the representatives of private enterprise and Farben in particular, as against the totalitarian and political aims of State and Party, had been following, was maintained.

2. I came across the following typical and significant cases of this type:

a) The I.G. Farben resp. the Ammoniakwerk Hoesch AG & Co. had a share of about 47% in the basic capital of 3 Million Reichsmarks of the Steinberg Waphts A.G. Vienna, a petroleum enterprise with mining rights and mine borings in the Zistersdorf-Petroleum territory, the Internationale Tiefbohr-Kommanditgesellschaft "ITAG" Hermann von Reutenbrenz, Cello had the same percentage, and a British company, called "City" in short, the correct name of which I do not remember anymore, held the remaining 6%;

this share was under enemy property custodial administration exercised by an attorney from Vienna. The I.G. Farben had purchased its share in 1942 or 1943 from the ITAG whose only personal responsible partner with influence had been Consul General Hermann von Reutenkranz in Cello, a well known German pioneer of petroleum economy. ITAG and I.G. had, as far as their shares were concerned, a mutual first refusal and pre-emption right. During the year of 1944 the ITAG offered to us its Steinberg shares, at a price which we considered to be much too high so that we refused the offer. Immediately afterwards the ITAG sold its shares at the same price to the Treuhandgesellschaft m.b.H. for the economic enterprises of the German Labor Front (DAF) Berlin and informed us as the holders of the first rights of refusal properly of this sale. We still considered a purchase at this price as being out of the question, regarded however the DAF company as a most undesirable partner and tried therefore each and every possible, legal and fair measure in order to prevent the purchase by the DAF company. We, primarily Dr. Buettelisch, regarded this purchase as an invasion, on the part of the DAF, an outspoken party organization, into private economy and this was the main reason that we objected vehemently to this transaction; we also considered this step as a betrayal on the part of Herr von Reutenkranz of private enterprise which could be only explained by this precarious financial situation and his extensive need for money. I remember quite well

vehemently
how ~~very~~ especially Dr. Buetafisch objected to of the
DAF company invading the Steinberg Naphta and his terrific
excitement about the fact that thereby, for the first time,
the I.G. would have a typical party enterprise as a partner.
Another reason was the fact that the gentlemen of the DAF, referring
to a Fuehrer order submitted by Dr. Ley, believed themselves entitled
to claim superiority. Opposing this conception we contacted a few
governmental agencies under leadership of Dr. Buetafisch, hoping
for support, particularly the Reich Ministry of Economics and we
even achieved the fact that the Ministry came out energetically
against this participation of the DAF in private industry, especially
in view of the fact that the DAF company had, in the course of time,
extended its field of activities more and more. We furthermore
received support from the Reich Ministry of Justice and the army
property custodian's office as the superior authorities of the
Viennese attorney who administered the 6 1/2 British share. In the
numerous negotiations with the Gentlemen of the DAF company, we -
headed by Buetafisch - represented energetically our private
economy line and our claim for complete equality of rights. Although
the gentlemen of the DAF stuck obstinately and intensively to their
efforts to have superiority conceded and also employed political
pressure in order to achieve this purpose by referring again and
again to the Fuehrer order in question and by calling our resistance
a resistance against this Fuehrer order, not without properly
pointing out the danger of such an attitude. This prevented
Dr. Buetafisch just as little as it did us,

from ~~defeating~~ ^{our} obstinately/line and our claim for equality.

Since Dr. Leg proved to be politically stronger than the opposition employed by us, it could not be prevented in the end that the DAF company acquired the shares, we succeeded however in achieving full equality as far as the appointments to the administrative body of the Steinberg Waphta and the management of its business were concerned.

b) A collaboration between the DAF company and ourselves as partners in the Steinberg Waphta did practically not materialize since the collapse was only a few months ahead. It may be said that we had the decisive influence in the actual management, because the member of the Vorstand which we had delegated to the Steinberg Waphta was a most efficient expert who was familiar with the conditions for years and who had worked at the Steinberg Waphta from the beginning of our partnership in that firm, while the representative of the DAF company in the Vorstand of who ^{had} Steinberg Waphta/obviously only political merits to his credit; in any case I got the impression that he did not understand anything of the subject matters and who showed neither knowledge nor ambition so that he practically could not exert any influence up the management at all.

c) Even after the purchase of the shares by the DAF company we, headed by Eustefisch, continued to make it our business to support the development of the Steinberg Waphta in a sensible and economical way, in order to preserve it as a piece of private industry, thereby opposing

all attempts of the DAF company to achieve the decisive influence in the Steinberg Naphta after all and to conduct their business in accordance with the principles of state economy. The partnership with the DAF was so repugnant to us that we, especially Dr. Eustefisch, were at first very much inclined to offer our shares as well to the DAF. Dr. Eustefisch disliked very much to create the false impression that we in the field of Austrian Petroleum, could, so to speak, appear arm in arm with the DAF. Some of us, among them myself, opposed this idea with the argument that we should not commit the same betrayal on private industry which we regretted so much as far as Bautenkreis actions were concerned. I told Dr. Eustefisch furthermore that I did not believe it likely that the DAF would hold these shares for any considerable length of time because of the development of the war. If then the DAF - say in 5 years to be on the safe side - would have disappeared we would tear our hair if we would have given up this interesting and otherwise attractive participation; this DAF episode would have to be ordered therefore. Whether we would then be able to keep our participation would not be certain but there was a chance anyhow; the DAF, however, would not keep its share under any circumstances. At that time I still believed in the possibility that the Allies would evaluate correctly the position of the I.G. in connection with the national-socialist regime and would therefore allow the I.G. to continue to exist and to carry on its activities. Dr. Eustefisch consequently decided to keep the share in the Steinberg Naphta at least for the time being. It is also significant that I could convey my thoughts

as presented above to Dr. Buettelisch without any reserve and that he approved of them in spite of the fact that, according to the practice at that time, this would have at least meant my detention in a concentration camp, or which most probably would have cost my neck.

3. All in all, I have regarded already at that time and still regard the Steinberg Nacht case as a particularly typical case, typical for the permanent struggle within the German economy conducted between private enterprise on one side, with its intentions to regulate everything in a business-like manner and to research and handle economical things in accordance with economical principles, and the totalitarian tendencies of the national socialist regime on the other, permanently undermining of private enterprise, and endeavouring the transfer of everything into state economy thereby degrading economy to a tool of politics. In my opinion, the I.G., as strongest pillar of private enterprise, stood in the front line of this fight; through a policy of elastic opposition was the I.G. almost miraculously succeeded in remaining actually free from such an invasion of the State into its enterprises up to the time of the collapse; as far as at all possible it held the above mentioned private-economical and sensible line against the national socialist regime. It is my impression that Dr. Buettelisch was just as much a representative of this policy of private economy as the other executives of the I.G. Farben.

Berlin, 30 Juni 1947

(signed) Friedrich Silcher

The above signature of attorney Friedrich Silcher, recognized by me,
is hereby certified by me: *

Kuerberg, 6 July 1947

(signed) Dr. Hans Fleischmann
(Dr. Hans Fleischmann)

Document Dr.BURTEWISCH

Exhibit No. _____

CERTIFICATE OF TRANSLATION

29 April 1948

We, Jack J. MARKHEIM, Civ., AGO D-230 019, J. WEINMANN, Civ., ETO-35 270, B.M. REDELSTEIN, Civ., X-046 289, A. EHLMANN, Civ., ETO-20 116, Th. KLEIN, Civ., AGO D-150 307, E. GETTINGER, Civ., AGO A-444 369, G. LAUBNER, Civ., ETO-20 123 hereby certify that we are truly appointed translators for the German and English languages and that the above is a true and correct translation of Document Dr. BURTEWISCH.

Jack J. MARKHEIM,
Civ., AGO D-230 019, P. 1 - 9, 50 - 56

J. WEINMANN,
Civ., ETO-35 270, P. 10 - 18, 57 - 63

B.M. REDELSTEIN,
Civ., X-046 289, P. 15 - 24

A. EHLMANN,
Civ., ETO-20 116, P. 25 - 29

Th. KLEIN,
Civ., AGO D-115 307, P. 30 - 35

E. GETTINGER,
Civ., AGO A-444 369, P. 36 - 39

G. LAUBNER,
Civ., ETO-20 123

Affidavit.

I, Dr. Ing. Wilhelm von RUEN, residing in Munich, Widemannstrasse 25 am aware that I render myself liable to prosecution if I make a false statement on oath. I declare upon oath that my statement is true and that it was made for use as evidence at the Military Tribunal at the Palace of Justice in Nuernberg, Germany:

In 1934 I began my work as engineer at the Herseburg ammonia plant and I held this position until 1945. During these eleven years I had plenty of opportunities to get to know Dr. BUSTEFISCH's attitude, since I did not only deal with him in business affairs - this especially frequently during the last 3 1/2 years of the war, when he was my direct superior during my assignment to the Berlin office - but also I very often met him socially, at the tennis club and we visited each other in our homes.

From the time I started my work in Leuna, I never had made any secret of my anti-national socialist attitude, and therefore I was generally considered as "political unreliable" and "suspect". For that reason I also had quite often difficulties in my private life and in my job (denunciations, a house-search by the Gestapo a.s.o.). The fact that Dr. BUSTEFISCH, under these circumstances, entertained social relations with me and my wife (who was born in Moscow and therefore in ill repute as "international") proves clearly that he was in opposition to the national socialist ideology. It soon became evident that one could talk quite frankly to Dr. BUSTEFISCH and he did not suppress his criticisms of the national socialist methods once you got better acquainted with him.

(page 2 of original)

It was common knowledge in Leuna that Dr. BUEFISCH frequently took along to the tennis club, foreigners who visited the plant, a fact which was sharply criticized by Party circles and gave him the reputation of being international. People who knew Dr. BUEFISCH better knew that this was actually the case, not only with regard to the sphere of society but also regarding his business attitude. He very often expressed his opinion regarding the necessity of international cooperation and far-reaching exchanges of experiences. As proof of the fact that Dr. BUEFISCH was not a national-socialist, I furthermore want to emphasize that when selecting his co-workers and promoting them he never allowed himself to be led by Party-membership or national socialist soundness. The transfer of such a "politically unreliable" man as I was - according to the opinion of the Nazis in Leuna - and my assignment to his Berlin office to a real position of trust, should be a proof for it.

I do not know whether Dr. BUEFISCH was a member of the NSDAP or of any of its affiliations. Should that have been the case then it only happened for reasons of opportunism. At any case I never could notice any signs of a national-socialist attitude during our frequent meetings as I have stated already before and I never saw him in uniform or with the Party badge.

(page 3 of original)

12 March 1948.

(signed) Dr. Wilhelm v. HUH

I herewith confirm and certify officially the signature of Dr. Wilhelm von HUH, residing at Munich, Widenmayerstrasse 25, who identified himself with the identity card No.B IV 03618 with stamped photo issued by the Police Presidium Munich on 10 September 1946. I have to add that, according to his request, I inserted the letter "h" in the word "eidesstattliche Erklrung" (Affidavit) since it had been omitted during the typing and that I have crossed out the last syllable "en" in the word "Hausdurchsuchungen" (house-searches) in the 9th line from the bottom on page 1, since according to the statement of the affiant only one house-search had taken place.

Stuttgart, 12 March 1948.

Notary Public

(signed) Dr. RUELLER-PAYER

Document roll No.19/48

Value according to article 24 KO

Rh.3000.-

Fee according to article 26, figure 10 and article 39 KO Rh. 4.-
" 1/2.12

L.S.

The seal bears the inscription " Dr. Albert RUELLER-PAYER, Stuttgart".

Affidavit.

I, Dr. Edward SCHUMBERG, residing in Karstadt, Fruehlingstrasse 468, am aware that I render myself liable to prosecution if I make a false statement on oath. I declare upon oath that my statement is true and that it was made for use as evidence at the Military Tribunal in the Palace of Justice at Nuernberg, Germany.

In 1944 I was arrested by the Gestapo for political reasons and spent many weeks in prison. After I had been acquitted by the Special Court for lack of proof, I was informed that Dr. BUEFFISCH had immediately started to intervene for me. Thus, he at least succeeded in having my case taken away from the Gestapo and having it transferred to the Prosecution (Staatsanwaltschaft), so that in this way I was saved from a long imprisonment and of an uncertain future. After my release, the Gestapo announced that I should be arrested again. In my despair I turned a.o. again to Dr. BUEFFISCH who willingly promised his assistance, so that the Gestapo should finally leave me alone. A few days later I was taken to hospital for several months with a serious illness which I contracted as a consequence of my stay in prison. During this time, I was informed that Dr. BUEFFISCH intervened for me with the Reich Security Main Office in order to save me from a renewed arrest by the Gestapo. The Gestapo really did not bother me any more in the hospital to the end of the war.

(page 2 of original)

I know that Dr. BUETEFISCH also actively intervened in similar cases for his subordinates and his co-workers. I also recall that he tried in particular to protect the Jew Dr. BAUMANN from being seized by the Gestapo, in which he really succeeded in 1938. When, later on, the NSDAF demanded his dismissal, Dr. BUETEFISCH tried to find a position for Dr. BAUMANN with an important American firm. After being dismissed Dr. BAUMANN received a compensation so that he and his family were not left destitute. As far as I know, everything had been settled with regard to Dr. BAUMANN's position in the States, when he suddenly was arrested by the Gestapo. As I was told then, Dr. BUETEFISCH allegedly tried everything to get Dr. BAUMANN's release. After some time, I was informed that Dr. BAUMANN who suffered from tuberculosis of the lungs, had died of the consequences of the imprisonment in 1939 or 1940, without Dr. BUETEFISCH having succeeded in obtaining his release. I can also remember that after Dr. BAUMANN's death Dr. BUETEFISCH intervened so that Dr. BAUMANN's relicts should get an adequate financial assistance, although this was strictly prohibited according to the provisions in force at that time.

Karlstadt, 30 March 1948.

(signed) Dr. Edward SCHAUENBURG.

(page 3 of original)

Document roll No. 765 for 1948.

I certify the authenticity of the above signature of Dr.jur.
Edward SCHAUMBURG in Karlstadt a.H., Fruehlingstrasse 468, who
identified himself by his identity card.

Bad Kissingen, 30 March 1948.

The notary public:

L.S.

(signed) Signature

Affidavit.

I, Dr. Heins REINTGES, residing at Krefeld, Sudwall 78
am aware that I render myself liable to prosecution if
I make a false statement on oath. I declare upon oath that
my statement is true and that it was made for use as evidence
at the Military Tribunal No. VI at the Palace of Justice
in Nuernberg, Germany.

1. I was born on 3 June 1914. After having completed my legal training I worked as a jurist at the I.G. Farbenindustrie A.G. administration Berlin NW 7 from 1941 onwards. From the close of 1944 until June 1945 I was in charge of the Leuna plant's legal department, the position of a chief having been vacant at this time.

From this my activity Dr. BUETEFISCH is well known to me. From 1941 onwards I was his permanent adviser regarding legal problems concerning the sphere of mineral oil. Consequently I had regular meetings with him and I took part in various conferences under his chairmanship. I also accompanied Dr. BUETEFISCH on several business trips. The temporary taking over of the Leuna plant's legal department naturally led to a still closer cooperation between Dr. BUETEFISCH and myself.

2. According to the impression which I have gained in all these years, Dr. BUETEFISCH's work was only determined by economical and technical considerations. It was his principle - a fact which was of special

(page 2 of original)

importance for my working together with him - that all business measures in his field of activity should be absolutely unobjectionable from the legal point of view and the contracts in particular should a priori be concluded on a fair basis and should be carried out in a loyal manner. I never noticed that he allowed himself to be led in his work by any other but objective viewpoints, for instance by political motives.

3. In his personal attitude Dr.BUETEFISCH was really liberal.

At the beginning of my activity in 1941, I was surprised with how much frankness and bold criticism he expressed to his co-workers his opinion on questions concerning the national-socialist regime, the conduct of war and the then leading personalities. Consequently his co-workers naturally were able to discuss and also did discuss these problems with the same frankness. I was particularly impressed by the deep pessimism which Dr.BUETEFISCH already then occasionally expressed with regard to the outcome of the war.

During these years, it never came to my knowledge whether Dr.BUETEFISCH was a member of the NSDAP or not. I assumed that he belonged to the party, just as all the other men holding such a position. I never noticed any sign of it, for instance the wearing of the Party badge.

4. The fact that I took over the Leuna plant's legal department at the close of 1944/45 brought me into almost daily contact with Dr.BUETEFISCH during the following months. During these months

(page 3 of original)

directly before the military collapse of Germany, there began the systematic destruction of the German areas threatened by the Allies. Although the destruction orders originally only concerned military objectives, corresponding orders soon were given with regard to industrial enterprises. Leuna, too, got the order to make the plant unfit for operation by destroying it at the approach of the allied troops. Dr. BUETEFISCH was terribly upset about this order. In previous conversations he had already expressed his indignation regarding the foolish blowing up of bridges and alike, in the West - and later on in Central Germany. He, as well as Dr. SCHNEIDER, was determined to prevent, at any cost, the Leuna plant from being destroyed in the last hour. I remember all this from frequent heated discussions with him.

The order mentioned above was practically never complied with. At first its execution was delayed and finally only a few unimportant "crippling measures" were taken which, according to my memory, consisted in the temporary removal of a few spare parts of some machines. These spare parts were however stored away in a safe place nearby so that the plant could be put into operation again in a few hours, if the parts are set up again. This was of course only possible under the condition that the plant management, namely Dr. SCHNEIDER and Dr. BUETEFISCH not only opposed any sort of destruction, but also were prepared to undertake any risks -

(page 4 of original)

which at this time were even pretty great.

5, After Germany's capitulation I was informed that Dr. BUETEFISCH held an honorary rank in the SS. From my previous statements it is evident that this fact came as a great surprise to me. I never have seen Dr. BUETEFISCH in uniform or with SS-insignia or have noticed any other signs of his connection with the SS. In connection with the great deal of Dr. BUETEFISCH's business transactions in which I have taken part in the course of all these years it was, of course, often necessary for him to make use of his business connections to other enterprises or to leading men of the Economy, and I experienced this quite frequently. However, I cannot remember that Dr. BUETEFISCH ever applied to any political agency or political organization, for instance the SS for the attaining of his ends.

Duesseldorf, 25 January 1948.

(signed) Dr. Heins REINTGES.

I herewith certify and confirm the above signature of Dr. Heins REINTGES, residing at Krefeld, Suedwall 78 which has been affixed before me.

Duesseldorf, 25 January 1948.

(signed) Werner DROSS
(Werner DROSS)
Assistant Defense Counsel
in Case VI.

Affidavit.

I, Kurt Freiherr v. SCHROEDER, born on 14 November 1889, Banker, at present in the Court Jail of Nuremberg, am aware that I render myself liable to prosecution if I make a false statement on oath. I declare upon oath that my statement is true and that it was made for use as evidence before the Military Tribunal No. VI at the Palace of Justice in Nuremberg, Germany.

In December 1943 HEDLER had invited the Gentlemen of the "KEFFLER-Circle" to his headquarters in East Prussia. On this occasion, after a lecture, he made a personal statement regarding the military situation. He said approximately the following: "I know that in certain circles I am being described as hard and perhaps even as cruel, because I, Supreme Chief of the Police who is responsible for the security of the German people, have sometimes to take strict measures. You can be assured that I find it rather hard and that I consider every action very carefully and only carry it out if the interest of the German people and the conduct of the war requires such an action and when by doing so greater damage can be prevented."

Nuremberg, 31 March 1948.

(signed) Kurt Freiherr v. SCHROEDER
(Kurt Freiherr v. SCHROEDER)

I, Werner BROSS, Assistant of Dr. Hans FLAESSNER, Defense Counsel, herewith certify and confirm the signature of Kurt Freiherr v. SCHROEDER who has been identified by me.

Nuremberg, 31 March 1948.

(signed) Werner BROSS
(Werner BROSS)
Assistant Defense Counsel
in Case VI.

Affidavit.

I, Dr. Ing. Friedrich HERMANN, residing in Bochum - Werne, Werner Hellweg 441, am aware that I render myself liable to prosecution if I make a false statement on oath. I declare upon oath that my statement is true and has been made for use as evidence before the Military Tribunal at the Palace of Justice in Muenberg, Germany.

From 1 September 1941 to the end of January 1945 I worked as chief of the machine and construction department and as Prokurist on instructions of the Fuerstengrube S.n.b.H. whose business manager Generaldirektor FALKENHAHN was. I worked in close cooperation with Herr FALKENHAHN and the prokurist of the company. I only met Dr. BUSTEFISCH, the chairman of the Aufsichtsrat once or twice during my whole activity in the Fuerstengrube.

Inmates of the concentration camp were also working at the new constructions in the Fuerstengrube, mostly above ground. I can confirm that they were treated decently and correctly. I never have seen any, or heard of any ill-treatments and I know that the inmates had not more work assigned to them than free laborers would have to perform. During my stay in Upper Silesia I never noticed or was informed by other sources that any cruelties against inmates took place or that human beings were annihilated in concentration camps.

Bochum-Werne, 30 March 1948.

(signed) Dr. Ing. Friedrich HERMANN.

(page 2 of original)

Document roll No. 137/1948.

I herewith certify and confirm the signature of Dr.Ing.Friedrich HERRMANN, Bochum-Werne, Werner Hollweg 441 which has been affixed on the front page in my presence.

Dortmund, 1 April 1948.

Computation of costs

Fees according to article 39 REG	3,- RM.
Turnover tax	$-\frac{.09}{100} \times 3,-$
	3,09 RM.

(signed) HARRN

Notary Public L.S. (signed) Dr.Ferdinand HARRN

NOTARY PUBLIC

Case 6
Defense

TRIBUNAL VI

CASE VI

IIInd ADDITIONAL DOCUMENT VOLUME

FOR

DR. HEINRICH BUETEFISCH

Presented by
the Defense Counsel
Dr. Hans Flaechner
Attorney-at-Law.



II. additional Document Volume
for Dr. Heinrich Buete-fisch

Page	Description of Document	Bue.No.	Exh.
1	<u>Affidavit made by Dr. Ing. Friedrich Heepke on 23 March 1948.</u> The chief of the Construction Department reported that the weekly reports by the construction manager from Auschwitz to Leuna did not go into the Directorate's mail, but directly to the appropriate technical experts, who for their part would have had to inform Dr. Buete-fisch, if any decisions were to be made by him. The deponent further noted that the weekly reports frequently represented merely the author's personal view and were therefore expressed in the rather rough manner which was prevalent on the building site.	Bue.329	
3	<u>Affidavit made by Dr. Heinrich Stronbeck on 27 March 1948.</u> In his capacity as chief of the technical department of the Leuna works, the deponent did not see the weekly reports by the Auschwitz construction management and therefore assumed that Dr. Buete-fisch also had no knowledge of them.	Bue.322	
5	<u>Affidavit made by Ulrich Happe on 18 March 1948.</u> As engineer in the firm of Uhde, the deponent gained a knowledge of conditions while dismantling parts of plants belonging to the Sluiskil Nitrogen Works. He stated that the plants were commandeered by the German military authorities. Wifo, which gave the firm of Uhde the work of dismantling and shipping, took charge of the arrangements with the owners of the nitrogen factory with relation to the property laws. Most detailed notes were made for the dismantling as a basis for compensation to the owner. There was no direct contact between the German receiving works and Sluiskil, and to a certain extent the German works took over unwillingly the equipment allocated to them.	Bue.334	

II. additional Document Volume
for Dr. Heinrich Buetefisch

<u>Page</u>	<u>Description of Document</u>	<u>Bue.No.</u>	<u>Exh.</u>
7	<p><u>Affidavit made by Walter Steinle on</u> <u>18 March 1948.</u></p> <p>The affiant, who was formerly Betriebs- fuhrer in the Lins nitrogen works, reported that in 1942 his firm re- ceived an order to double its plants, and for this purpose, in accordance with instructions from the Reich authorities, was to take over appa- ratus from the Sluiskil works which had been put out of action by air raid damage, although this apparatus was in part unsuitable for the Lins plants. As considerable additional expenses could be anticipated from this, the Lins Auf- sichtsrat took a hand in the matter and demanded that the company be required to sustain no financial loss through the compulsory use of the apparatus from Sluiskil. Lins therefore paid Wifo, which was in charge of the dismantling and re- direction of the apparatus, not the full amount demanded, but only what the parts were actually worth to Lins. The Reich was to carry the difference.</p>	Bue.321	
10	<p><u>Affidavit made by Hildegard Cornelius on</u> <u>3 April 1948.</u></p> <p>From her work at that time, the former secretary in Dr. Buetefisch's Berlin Office does not remember Dr. Buetefisch's having worked as chairman of a chemical technology board for Kontinentale Gummi AG.</p>	Bue.335	

Declaration

All the documents contained in this additional volume
are literal copies of the original.

Nuernberg, 5 April 1948

signed: Dr. Hans Flaeckner

Defense Counsel in Case VI

before Tribunal VI.

- - - A F F I D A V I T - - -

I, Dr. Ing. Friedrich Heepke, Leuna, district Merseburg, Carl-Duisbergstr.3, have been warned that I shall be liable to punishment for making a false statement.

I herewith declare under oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal No. VI in the Palace of Justice at Nuernberg, Germany.

As manager of the Construction Department of the Leuna plant it was my task to take care of the technical side of the construction of that part of the Auschwitz plant which belonged to Sparte I. I am therefore in a position to give information on all matters concerned with this part of the work. During the building of the Auschwitz plant the construction manager made weekly reports giving details of the progress made in building to the authorities concerned with the building project. These weekly reports were submitted direct to the technical experts at Leuna, i.e. the officials in the construction office and the sub-departments of the construction and engineering department, as well as the chemical departments which needed the detailed information contained in the reports in order to make their arrangements.

As far as I know these weekly reports were not put in the mail for the directors. The experts had to report to Dr. Rustefisch and Dr. v. Staden only when the reports called for fundamental decisions.

With reference to the weekly reports, I should also like to mention that in certain respects they did not represent the view of the plant management at Auschwitz, but rather the personal view of the building manager, and in some cases were written - according to the building manager's temperament - in the so-called "building site language".

Leuna, 23 March 1948

signed: Dr. Friedrich Hoepke

I herewith certify that this is the signature of Chief Engineer Dr. Ing. Friedrich Hoepke, Leuna, Carl-Duisbergstrasse 3, who is personally known to me.

Leuna, 23 March 1948

Stamp

The Council of the City of Leuna

signed: Signature.

AFFIDAVIT

I, Dr. Heinrich Stronbeck, domiciled at Rosenthal district Kassel, House No. 243, have been warned that I shall be liable to punishment for making a false statement. I herewith declare under oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal in the Palace of Justice at Nuremberg, Germany.

I was born on 10 February 1885 in Brunswick. After having studied engineering at the Brunswick Technical College I graduated there as Dr. Ing. in 1913. From 1919 on I was employed first as deputy manager of the Engineering Department in the Leuna plant, later on as manager of the Technical Department.

The Defense in the proceedings against the I.G. Farbenindustrie have sent me excerpts from weekly reports of the Auschwitz plant. I do not remember these weekly reports, which I am herewith returning marked "Seen, Date and Signature", ever having been shown to me while I was manager of the Technical Department of the Leuna plant. Neither does my secretary, Fraulein Charlotte Heyner, who is also in Rosenthal at present and who used to handle my entire mail, remember having seen such reports. It is true that the so-called building reports went through our department.

What I have just stated leads me to assume that Dr. Buete-fisch, who spent only a little time at Leuna during the last years of the war, did not know about the weekly reports either.

As I see from the excerpts from the weekly reports which have now been submitted to me, the officials in charge at Auschwitz themselves dealt with the abuses. I therefore believe that Dr. Buchheim was not informed by these officials and his intervention was therefore neither possible nor necessary.
Rosenthal district Kassel, 27 March 1940

signed: Dr. Heinrich Stronbeck

I herewith certify that this is the signature of Dr. Heinrich Stronbeck, domiciled in Rosenthal district Kassel, House No. 243, which was made before me, Dr. Rupprecht Storkbaum, on 30 March 1940, at Rosenthal district Kassel.

Rosenthal district Kassel, 30 March 1940

signed: Dr. Rupprecht Storkbaum
Assistant Defense Counsel
in Case VI.

A f f i d a v i t .

I, Ulrich H a p p e , domiciled at Dortmund, have been warned that I shall be liable to punishment for making a false statement. I herewith declare under oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal at Nuernberg.

As engineer in the firm of Friedrich Uhde Kommanditgesellschaft I took part on many occasions in 1942 and 1943 in the negotiations concerning the dismantling of individual parts of the Nitrogen Plant Sluiskil. The works' installations had been confiscated by the German Military Commander in the Netherlands. In order to supply the demands of plants in Germany, the General Plenipotentiary Chemistry had promised them whole installations or parts of equipment. In order to settle the financial side with the owners of the Sluiskil plant, the Wifo was brought in, which ^{in/}turn commissioned the firm of Uhde with the carrying out of the dismantling and the shipping. The manager in charge of the dismantling at the firm of Uhde had been instructed before the dispatch of the various shipments from the plant to write out detailed receipts in the name of the Wifo, or to take exact particulars of the separate parts of the installation before starting the dismantling. These receipts were to serve as basis for the compensation to be paid by the Wifo or the German authorities to the owners of the plant.

The German plants which were to take over the parts of the installations had no direct connections to the plant management Sluiskil. I remember several cases

in which the German plants were reluctant to take over the parts
of the Gluskil plant offered or assigned to them, and only did so
under the force of circumstances.

Dortmund, 18 March 1948

signed : Ulrich Happe

I herewith certify that this is the signature of Herr Ulrich
Happe, who is personally known to me.

Dortmund, 18 March 1948

signed : Dr. Kurt Wertzmann

Assistant Defense Counsel in Case VI

Herne, 18 March 1948

A f f i d a v i t .

I, Walter STEINLE, residing in Herne, Shamrockring 3, have been warned that I shall render myself liable to punishment if I make a false affidavit. I declare on oath that my statement is true and was made in order to be presented as evidence before the Military Tribunal in Nuremberg.

I was a Vorstand member of the Stickstoff Werke Ostmark A.G. in Linz/Danube and was actually responsible for the operational management of the Stickstoff-Werke Ostmark. In 1942 the supreme planning authorities in Berlin ordered us to expand the nitrogen production from 50,000 tons to 100,000 . As it was extremely difficult to procure machinery and the larger part of the Sluiskil plant could not resume operation, due to damage inflicted by air raids, the Reich authorities ordered that machinery was to be removed from there in order to be used by the industry.

The larger part of the plant was owned by the Montecatini company (Italy), with which the Reich authorities negotiated for the acquisition of this machinery and its payment.

I remember from the discussions which were conducted within the Vorstand of the Stickstoff-Werke Ostmark that, in view of the fact that this matter involved a money appropriation and that the Stickstoff-Werke Ostmark had ordered their machinery elsewhere, we requested a basic decision as to whether the machinery originally proposed

was to be replaced by the Sluiskil installations, which were absolutely unsuitable for the expansion of the Lins works, being of a different type. I therefore also discussed this matter with the chairman of the Aufsichtsrat in Lins, Herr Dr. Baetefisch. At first Herr Dr. Baetefisch rejected the entire project. However, we had to point out to him that this was an order of the Reich authorities. Herr Dr. Baetefisch therefore called a preliminary meeting of the Aufsichtsrat in Lins, in which it was decided that the Stickstoffwerke Ostmark, if they were forced to take over the machinery, could do so only if no financial loss would result. The Reich Office (Reichsstelle) and the Wirtschaftliche Forschungsgesellschaft (Wifo), which was entrusted with the dismantling of the machinery, were notified of this decision, which was also acknowledged by the latter.

I myself had thereafter to travel to Sluiskil by order of the Wifo, in order to take over the machinery earmarked for us. I emphasize once more that these measures were not taken upon the initiative of the Vorstand, or that of the chairman of the Aufsichtsrat of the Stickstoff-Werke, but were decided by the supreme planning agencies of the Reich, to whose decision the Stickstoffwerke Ostmark A.G. had to yield despite its strong resistance.

Wifo charged 4.6 million Reichsmarks for the machinery taken over. This sum exceeded the amount necessary for the procurement of new machinery

by more than one third. Consequently, the Vorstand declared itself willing to pay only the actual value to the amount of three million, and remitted this sum to Wifo. A covering statement showing how the amount was arrived at was attached and Wifo was informed that the Reich would pay the balance if the plant had been acquired at an excessive price. The end of the war prevented a final settlement of account.

signed : Walther Steinle.

I hereby certify the above signature of Herr Walter Steinle, known to me personally, which was appended before me.

Herne, 18 March 1948

signed : Dr. Kurt Hartsann
(Dr. Kurt Hartsann)

Assistant Defense Counsel
in Case VI

A f f i d a v i t .

I, Hildegard Cornelius, née Neumann, residing in Bad Sachsa, Brandstrasse 27, have been warned that I shall render myself liable to punishment if I make a false affidavit. I declare on oath that my statement is true and was made in order to be presented as evidence before the American Military Tribunal in Nuernberg.

From 1 January 1939 until the end of the war I worked as a secretary in the Berlin office of Herr Dr. Heinrich Buefisch, and in this capacity I had occasion to see all his incoming mail and all invitations and appointments for discussions and the like passed through my hands. I am therefore well informed about the activity of Dr. Buefisch during those years.

I do not remember that Dr. Buefisch acted as chairman of the chemical-technical Advisory Council of the Kontinentale Oel A.G. or that he took part in meetings. As shown by my above statement, I would have undoubtedly been aware of it if Dr. Buefisch had really acted as chairman of such an Advisory Council.

Bad Sachsa, 3 April 1948

signed : Hildegard Cornelius
 née Neumann

The signature of Frau Hildegard Cornelius, née Neumann, Bad Sachsa, Brandstrasse 27, known to me personally, was appended before me, which is hereby certified by me.

Bad Sachsa, 3 April 1948

(seal)

signed : Dr. Gerhard Lohoff
 Notary

Number 102 of the Document Roll for 1948.

Costs:

Reich Costs Regulations of 22 Nov. 35

Value : RM 2,000.-

Fees according to per. 39

Turnover tax

RM 3.-

RM 0.09

RM 3.09

The Notary

signed : signature

CERTIFICATE OF TRANSLATION

16 April 1948

We,

Patricia E.C. WOOD

Brigitte TURK,

Julius J. STEUER,

EIO # 20139,

EIO # 35130,

AGO - A - 443654.

Hereby certify that we are duly appointed translators for the German and English languages and that the above is a true and correct translation of Supplement 3 Bustafisch.

.....
Patricia E.C. WOOD

EIO # 20139

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.....
Brigitte TURK

EIO # 35130

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.....
Julius J. STEUER

AGO - A - 442654

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Roll 82

Target 2

All Defendants for
Dynamite Aktiengesellschaft

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Cross 6
Defense

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DAG

(for all Defendants)

DOCUMENT BOOK

Volume I

(Doc. 1-16 pa-
ges 1-85)

submitted by the Defense
Counsel Dr. Rudolf DIX



Henry

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<u>DAG No.</u>	<u>Exh.No.</u>	<u>Nature of document</u>	<u>page</u>
1		Affidavit of Dr.jur.Rudolf SCHMIDT, 1 former member of the Vorstand of the Dynamit-Actien-Gesellschaft vormals Alfred Nobel & Co(DAG), of 1 December about the circumstances leading to the working agreement between the DAG and the IG Farben- industriektiengesellschaft (IG)	
2		Affidavit Dr. jur. Rudolf SCHMIDT, 8 former member of the Vorstand of the DAG, of 3 December 1947, about the question of the relation between branch III of the I.G., and the ma- nagement of the DAG. Witness reports about a conference involving basic matters at Heidel- berg soon after the creation of the branches (Sparten) of the I.G., during which BOSCH in the presence of Dr. Paul MUELLER, general manager of the DAG until 1945, and the De- fendant GAJEWSKI, made it unambigu- ously clear that GAJEWSKI was not the superior of Dr. Paul MUELLER.	
3		Affidavit Heinrich LORE, director 11 of the DAG, of 1 December 1947 about the nature of the relationship between DAG and IG as it worked out in prac- tice. Witness states that the general manager of the DAG, Dr. MUELLER, "attach- ed decisive importance to being auto- nomous and independent in the manage- ment of the Dynamit-Actiengesellschaft, vormals Alfred Nobel & Co, which in turn formed a proper concern for it- self. From the beginning of the wor- king agreement Dr. Paul MUELLER most firmly defended this line and was successful therein."	

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5		Affidavit by Dr.jur.Rudolf SCHMIDT, former Vorstand member of the D.A.G. of 1 December 1947 to the affidavit of Paul DENCKER, of 7 June 1947 doc.3 NI-7239, Prosecution exhibit No.50. Witness deals with the background of the taxation trial, conducted some time ago, and explains, or rather supplements, the statements made by DENCKER.	18
6		Affidavit Franz Anton GIERLICH, Prokurist of the D.A.G. of 19 December 1947, about the number of members of the Aufsichtsrat of the D.A.G. from 1926 until 1945 and the number of the corresponding representatives of the I.G. in the Aufsichtsrat.	24
7		Affidavit Dr.jur.Rudolf SCHMIDT, former Vorstand member of the D.A.G. of 1 December 1947 about the extent of the information received by the I.G. about the business developments within the D.A.G.	26

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8		<p>Affidavit Heinrich SCHINDLER, Chief Engineer of the DAG, in which he explains the reasons why the factories constructed and worked by the DAG, and/or by the "Gesellschaft mbH. zur Verwertung chemischer Erzeugnisse" (Verwertchenie) by order of the Reich are to be strictly distinguished from the business carried on by the I.G., because the latter neither had any responsibility for it, nor any possibility to exert any influence.</p> <p>In this connection witness furthermore states, that "at the end of the war altogether about 70 firms owned by the Reich were being worked in the field of powder and explosives, while the DAG itself worked only one plant which served exclusively the purpose of producing military powder, and 4 plants which were partly working in the military powder and explosives sector. Apart from that, 3 plants of the affiliated firms with a majority participation of the DAG were partly employed in this field."</p>	31
9		<p>Affidavit Franz Anton GILKBICH, Prokurist of the DAG, of 3 December 1947, concerning the information given to the I.G. about the conclusion of agreements relating to the construction and the management of plants in Reich ownership. Witness states that</p> <p>"in the same way as the planning and the construction, as well as the working of the mining plants, the conclusion of the agreements relating to these matters was done independently by the DAG, and/or the Verwertchenie, without the I.G. receiving any information. The provisions about secrecy (s.e.g. par. 14 of the cover agreement, of 4 March 1940) did not allow a submission of agreements of that kind."</p>	32

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"Such an increase is achieved for the first time in 1941, when the increase compared with the previous year amounts to 74.000 tons. The main growth in the production of powder and explosives, however, does not take place before 1943, with an increase of 143.000 tons. Thus, the first important increase in production does not occur prior to 1 1/2 years after the beginning of the war, while the decisive increase can only be registered 3 1/2 years later. "

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11		Affidavit Heinrich SCHINDLER, Chief Engineer of the DAG, of 2 December 1947, to the affidavit of Dr. ZEIDLHACK of 31 July 1947, doc. No. NI 9193, Prosec. Exh.No. 698. Witness shows that the point of view of Dr. ZEIDLHACK is self-contradictory and therefore the conclusions drawn by him are faulty. He states that initiative for the planning did not rest with the industry, but with the German General Staff, and that "in war time an immense increase in the capacity of the powder and explosive sector proved necessary so that it may at least be said that for this event the planning programme was far from sufficient."	43
12		Affidavit Heinrich SCHINDLER, Chief Engineer of the DAG, of 19 December 1947, concerning the development of the production of powder and explosives of the DAG and its affiliated enterprises with majority participation (without the plants in Reich ownership). In conclusion witness states: "Thus, within the compass of the own business of the DAG, the preponderance lay at all times, even during the war, in the civilian explosives, which, as far as quantities were concerned, surpassed the output of military powder and explosives."	54
13		Two affidavits of Heinrich SCHINDLER, Chief engineer of the DAG, of 19 December 1947	59
	I.	Survey of the total output of military explosives in Germany from 1930 until 1944.	

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Of the total output from 1930 until 1944 i.e. approx. 1.080.000 tons, a quantity of approx. 180.000 tons, i.e. 16,7% was produced during the time from 1930 until the outbreak of the war, while the output from the beginning of the war until the end of 1944 was approx. 900.000 tons, i.e. 83% .
The DAG produced of the total output 1930 until the outbreak of the war approx. 102.000 tons (9,4%)

II. Survey of the total output of military powder in Germany from 1930 until 1944. 6

Of the total output from 1930 until 1944 of approx. 1.040.000 tons were produced from 1930 until the outbreak of the war:
approx. 190.000 tons, i.e. 18,3% while the output from the beginning of the war until the end of 1944 was
approx. 850.000 tons, i.e. 81,7%.
Of the total output 1930 until 1944 approx. 112.000 tons (10,8%) were due to the DAG-group.

14	Affidavit Dr. Wilther SCHURR, director of the DAG: from 1936 until 1945 entrusted with development work in the sphere of explosives, dated 2 January 1948, concerning the German production of Hexogen and Nitroguanidin in general and the participation of the industry therein. Itness gives a summary of his research work on the explosive Hexogen as follows: 1.) German pre-war production of that high-power explosive, Hexogen, recognized as indispensable, was so small that it would have been sufficient for only a few days of war. 2.) The pre-war capacity was only 3.75% of the maximum capacity reached during the war, and less than 2% of the capacity, that was requested in the course of the war, and the construction of which was actually started.	69
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- 3.) The industry confined itself to carrying out the research work, which was insisted upon and financed by the state.

The research installations were abandoned as soon as it was possible. A large-scale hexogen production out of their own resources was always refused, although it would have been obvious, and lucrative at that.

- 4.) Total percentage of the DAG share in the German Hexogen output was 13.1 p.c., its share in the annual production decreased steadily and came in 1944 down to 1.7 p.c. For 1945 a complete stoppage of even the last DAG plant was provided for.

Witness adds the following statement:

"Conditions were similar, and partly even more pronounced than with the explosive hexogen as far as the powder component nitroguanidin was concerned.

15

Affidavit Franz Anton GIERLICH, 78
Prokurist of the DAG, of 19 December 1947, to the affidavit of Dr. HEILBRUNN of 28 November 1947, doc.No. NI 12 7-0, Prosto. exh. No. 1816.

Witness says with regard to enclosure B of the affidavit Dr. HEILBRUNN:

In the turn-over figures from the balance reports of the DAG for the years 1936 to 1942, as quoted there, military explosives are included, which were produced in the parts of plants within the DAG factories Dueneberg and Kruemmel owned by the Reich and in a research installation owned by the Reich - and gives accordingly a corrected survey.

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Witness rectifies, and explains a number of further points and states with regard to the question of the information given to the IG. about business developments at the Verwertchemie as follows:

"As far as I know, the reports which referred to the balance sheets of the Verwertchemie after 1 January 1937 were no longer brought to the knowledge of any I.G. agency.

16		Affidavit Dr. jur. Peter GRILLE, manager of the Verwertchemie, of 2 December 1947, regarding the net profits of this corporation. Witness states that those net profits were to a considerable part in reality no genuine profits, since according to an agreement with the Montan the DAG received for the administrative work relating to the Verwertchemie a lump sum, which was considerably lower than the actual expenses incurred by the DAG.	53
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DOCUMENT BOOK 1 DAG

I declare that all the documents contained in this document book agree word for word with the documents submitted to the Tribunal.

Nuremberg, 12 January 1948

Dr. Rudolf DIX,
Attorney - at - law

Affidavit.

I, Dr. jur. Rudolf Schmidt, residing at Koeln-Marienburg, von
Grotestrasse 36, was duly warned that I make myself liable to
punishment by rendering a false affidavit. I declare in lieu of
oath that my statement is true and was made to be presented in
evidence before the Military Tribunal No. VI (Case & I.G. Farben-
industry) at the Palace of Justice, Nurnberg.

On 1 September 1912 I started service for Dynamit-Action-Gesell-
schaft, former Alfred Nobel & Co., in the autumn 1913 I was appointed
"Prokurist" and became a member of the Vorstand on 1 April 1915.
Since that time I belonged without interruptions to the Vorstand
of the Dynamit-Action-Gesellschaft former^{ly} Alfred Nobel & Co.
until the middle of 1946.

Due to my official position and activity I gained full insight
into the connections between the I.G. Farbenindustrie and the
Dynamit-Action-Gesellschaft former^{ly} Alfred Nobel & Co.

Concerning the pre-history of the syndicate agreement between
the Dynamit-Action-Gesellschaft former Alfred Nobel & Co.
(DAG) and the I.G. Farbenindustrie,

I declare the following:

I myself did not participate in the negotiations, which in the summer of 1926 led to the conclusion of a syndicate agreement with the I.G. Farbenindustrie. On our part they were conducted in the first place by Herr Geheimrat Aufschlager, Herr Dr. Smoller and Herr Prof. Flechtheim, on the side of I.G. by the Herren Geheimrat Bosch and Geheimrat Schmitz.

The subject of these negotiations was the joining (Anschluss) of the firms of the General Kartell with the I.G.. The General Kartell- founded on 30 December 1889 - consisted of the dynamite-group (Sprengstoffgruppe) and the powder-group (Pulvergruppe). The dynamite group was represented by the DAG. To it belonged three other dynamite companies that in the meantime had joined the DAG. The powder-group consisted of the Vereinigte Rheinisch-Westfälische Pulverfabriken in Koeln, the Pulverfabrik Rottweil-Hamburg, Cramer & Buchholz, Wolff & Co.. The first two companies combined in 1890 under the firm Vereinigte Koeln-Rottweiler Pulverfabriken.

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Concerning the motives leading to the conclusion of the General Kartell ~~Agreement~~^{it} the introduction to the agreement says:

"Motivated by the consideration that the business of both the aforementioned groups, in Germany as well as on the worldmarket in general, is closely related, and that therefore tight cooperation would result in advantages for both parties, on the other hand that considerable damage might be caused by eventually fighting each other, the first mentioned four dynamite companies combined in the Deutsche Union on the one hand, and the four named powderfactories on the other, have considered mutual participation in the results of their businesses as proper and in realization of which agreed to conclude the following General-Kartell-Agreement."

It was a profit-pooling agreement. The business results of all companies were pooled and distributed to both groups according to a certain key, originally 80% for dynamite group, 40% for powder group, later 50 : 50.

The General Kartell was on the basis of General Kartell Syndicate Agreement of 20 November 1894 joined by the Rhein-Siegener Group, consisting of Rheinisch-Westfälische-Sprengstoff-Aktion-Gesellschaft Koeln and Actiengesellschaft Sieger Dynamitfabrik in Koeln. Both companies delivered their yearly profits to the General Kartell, care of Koeln-Bottweil, and

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received through the General Kartell by way of Kooln-Rottweil a certain quota for depreciations, dividends, Aufsichtsratsbounses. Therewith the General Kartell consisted of the two partners dynamite Group and Powder Group and of the ^{affiliated} Rhein-Siegener Group.

After the First World War the General Kartell came into a difficult situation. Not so much the dynamite group, which had its old civil^{ian} dynamite business - even though it was not possible to convert profitably all factories enlarged during wartime to the production of peace articles - , but very much Kooln-Rottweil, which had completely lost its basis. Then (1925) ICI London and DuPont America took over together from Kooln-Rottweil as well as from DAG each nom. 7 1/2 Mill. Mark of stocks, for the amount of which the capital of both companies was raised.

In the summer of 1926 negotiations were commenced with the I.G. Preliminarily they were conducted by Prof. Bosch and Dr. Mueller, who for many years had been friends. Result: Dissolution of the General Kartell. The I. G. took over Kooln -

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by way
Rottweil/of fusion. With the DAG and the two companies of the
Kaiser-Sigsmund Group the known syndicate agreements were concluded.

I am still convinced that the conclusion of these agreements has
been in the interest of both the I.G. and also our companies.
Compelled by the post-war conditions our companies had
started productions that could have led to collisions with the
I.G.. In particular Kooln-Rottweil had entered the field of
rayon and artificial silk; we manufactured films and bobbins.
On the other hand we were large clients of the I.G.,
especially in regard to ammonium nitrate.

After conclusion of the syndicate agreement we carried out a clear
separation in manufacturing, that is we abandoned everything not
belonging to dynamite and powder. For instance films. I.G.
gave us from the possession of Kooln-Rottweil everything connected
to powder. Thereby however it must be emphasized that in
regard to the powder factories, which Kooln-Rottweil then
(that is 1926) still possessed,

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not the large powder factories and plant, which Koenig-Rottweil once possessed - for they had been destroyed after the first World War - , rather it was a matter of only small, insignificant, blackpowder factories like Adolfsfurt, Gottesszell, Hett, which I.G. ^{ed}rent to us.

In annex B to the indictment the five of the most important dynamite-companies of Germany, which I.G. had brought into its fold, are named as:

Dynamite-Aktion-Gesellschaft, former Alfred Nobel & Co.,
Troisdorf,
Rheinisch-Westfaelische Sprengstoff A.G., Koeln,
Aktion-Gesellschaft Siegerer Dynamitfabrik, Koeln,
A. Riebeck'sche Montanwerke A.G., Halle
Koenig-Rottweil A.G., Berlin.

To this is to say: Koenig-Rottweil never manufactured dynamite and already 1926 had long ceased to manufacture military powder. The A. Riebeck Montanwerke never had anything to do with dynamite. Also the Rheinisch-Westfaelische Sprengstoff A.G. never produced dynamite, but had turn^{ed} more and more to the manufacture of celluloid and plastics after the first World War. Besides it had a detonator-factory in Troisdorf, where also the for the detonators required initial explosives were produced, also at

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Nuernberg-Stadeln a factory for hunting and sport - ammunition.

Apart from the DAG only the Action-Gesellschaft Sieger
Dynamit Fabrik was a dynamite company. However it had only a
very small Dynamite factory at Foerde, which later was shut down.

The Rheinisch-Westfaelische Sprengstoff A.G. as well as the
Action-Gesellschaft Sieger Dynamitfabrik joined the DAG in 1931.

Trölsdorf, 1 December 1947

signed: Dr. jur. Rudolf Schmidt

The above signature of Herr Dr. jur. Rudolf Schmidt was today
executed before me, Hanne Gierliche, deputy defense counsel
before the American Military Tribunal in Case 6, Nuernberg, which
I, herewith, certify and attest.

Trölsdorf, 1 December 1947

signed: Hanne Gierliche
(Hanne Gierliche)

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DOCUMENT No. 2

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Affidavit.

I, Dr. jur. Rudolf Schmidt, resident at Cologne-Marienburg, von Greetestr. 36, know that I render myself liable to punishment if I give a false affidavit. I declare in lieu of an oath that my statements are the full truth, and that they have been made to be submitted as evidence to Military Tribunal No. VI (Case 6, I.G. Farbenindustrie) at the Palace of Justice in Nuremberg.

On 1 September 1912 I entered employment with the Dynamit-Aktion-Gesellschaft formerly Alfred Nobel & Co. (DAG), became procurement clerk (Prokura) in fall 1913, and was appointed to the Vorstand on 1 April 1915. Since then I was always a member of the Vorstand of the Dynamit-Aktion-Gesellschaft till the middle of 1946. Because of my official status and activities I had full knowledge about the connections between the I.G. and the DAG. I can contribute the following information concerning the question of incorporating the DAG in group (Sparte) III:

During the time when the joint interest agreement (Interessengemeinschaftsvertrag) between the I.G. and the DAG was concluded (1926), those groups (Sparten) did not

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exist. They have been introduced by Herr Geheimrat Bosch in 1929. It is true that the DAG was incorporated in Group (Sparto) III. However, this did not mean that the chief of Group (Sparto) III was in charge of this company, or that the chief of Group (Sparto) III was responsible for it. At the important I.G. meetings Herr Dr. Mueller himself represented the interests of the DAG.

In the beginning there were certain disagreements between Herr Dr. Mueller and Herr Dr. Gajewski, the chief of Group (Sparto) III, which were caused by the fact that Herr Dr. Gajewski always wanted to interfere in DAG matters, as the DAG was in his Group (Sparto.). Herr Dr. Mueller, who did not intend to put up with this, requested Herr Geheimrat Bosch to fix the sphere of competence for those two gentlemen at a discussion meeting. I believe that this discussion took place in Heidelberg, in Geheimrat Bosch's house. Herr Geheimrat Bosch, Dr. Mueller and Dr. Gajewski participated in it. Whatever knowledge I have about its outcome I have from Herr Dr. Mueller, who told me in his own descriptive way about the discussion, both immediately after his return and

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repeatedly later on. According to his account, he immediately asked Herr Geheimrat Bosch at the beginning of the conversation: "Is Dr. Gajewski my superior?" Geheimrat Bosch replied to this: "No". Upon that he - Dr. Mueller - had said: "Then we need not continue to discuss this matter. I shall settle the rest with Dr. Gajewski alone." This, he said, settled the topic. The gentlemen continued to discuss other matters.

Treisdorf dated 3 December 1947

signed: Dr. jur. Rudolf Schmidt
Dr. jur. Rudolf Schmidt

I hereby certify and attest that the above signature by Herr Dr. jur. Rudolf Schmidt has today been given before me, Hanna Gierlichs, deputy defense counsel at the American Military Tribunal in case 6 at Nuernberg.

Treisdorf dated 3 December 1947

signed: Hanna Gierlichs
HANNA GIERLICHES

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Affidavit.

I, Heinrich Lore, resident at Cologne-Marienbad, Leyboldstr. 66, know that I render myself liable to punishment if I give a false affidavit. I declare in lieu of an oath that my following statements are the full truth according to the best of my knowledge, and that they have been made to be submitted as evidence to the American Military Tribunal VI in Nurnberg in Case 6 (Krauch and others).

From 1906 till 1931 I worked with the Rheinisch Westfaelische Sprengstoff-Aktion-Gesellschaft (Rhenish-Westphalian High-Explosive last Inc.); my position was that of a managing director. When that company was merged with the Dynamit-Aktion-Gesellschaft formerly Alfred Nobel & Co., in 1931, I was taken over by the Dynamit-Aktion-Gesellschaft formerly Alfred Nobel & Co. in the same capacity. As the chief executive director of the Dynamit-Aktion-Gesellschaft formerly Alfred Nobel & Co., Dr. Paul Mueller, originally also came from the Rheinisch-Westfaelische Sprengstoff-Aktion-Gesellschaft

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my official and personal contacts with Herr Dr. Mueller were particularly close.

Therefore, I am in a position to judge the relations of the Dynamit-Aktion-Gesellschaft formerly Alfred Nobel & Co. to the I.G. Concern, especially in their actual and practical form. Irrespective of the fact that Dr. Paul Mueller absolutely recognized the membership of the Dynamit-Aktion-Gesellschaft formerly Alfred Nobel & Co. in the I.G. Concern in its positive effects for the Dynamit-Aktiengesellschaft formerly Alfred Nobel & Co., he definitely wanted to be independent on principle and only responsible to himself in operating the Dynamit-Aktiengesellschaft formerly Alfred Nobel & Co., which in itself was actually an independent concern. Ever since the joint interest agreement (Interessengemeinschaftsvertrag) was signed, Dr. Mueller vigorously defended this line, and also succeeded in having it recognized. That the Dynamit-Aktion-Gesellschaft formerly Alfred Nobel & Co. were practically completely independent in the high-explosive field can be seen from the fact that the Dynamit-Aktion-Gesellschaft formerly

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Alfred Nobel & Co. themselves had outstanding technical experts in this field, especially in the person of Herr Dr. Mueller himself, all of whom the I.G. could not even remotely match as far as this branch was concerned. Thus, Herr Dr. Mueller himself always conducted independently, without calling in the I.G. or informing them beforehand, all the International negotiations which the Dynamit-Aktion-Gesellschaft formerly Alfred Nobel & Co. had with the large Chemical trusts abroad, such as E.I. DuPont de Nemours & Co., and the Imperial Chemical Industries Limited, in connection with the high-explosive field. The following is to be said concerning the incorporation of the Dynamit-Aktion-Gesellschaft formerly Alfred Nobel & Co. in Group (Sparte) III of the I.G. : This incorporation by no means signified a curtailment of independence for the Dynamit-Aktion-Gesellschaft formerly Alfred Nobel & Co., as has been described above. On several occasions Herr Dr. Mueller repeatedly informed me that this question as soon as the Groups (Sparten) within the I.G. were formed was settled once and for all according to his ideas, i.e. during a conversation between Geheimrat Bosch, Dr. Gajewski, and Dr. Paul Mueller, which was arranged at Heidelberg following the latter's

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request. Herr Dr. Mueller related several times that during this conversation he asked Herr Geheimrat Bosch one principle question: "Is Herr Dr. Gajewski my superior?" which was clearly denied by Geheimrat Bosch. In accordance with this fundamental decision the practical relations between the two companies developed later on, as I had occasion to observe personally throughout all those years. For example, I can confirm that the I.G. never meddling in my special field, i.e. the sale of high-explosives for commercial purposes, and that it was exclusively we who decided the over-all business policy.

Treisdorf dated 1 December 1947

signed: Heinrich Lore
HEINRICH LORE

I hereby certify and attest that the above signature by Director Heinrich Lore was given before me, Hanna Gierliche, deputy defense counsel at the American Military Tribunal in Case 6, Nuernberg.

Treisdorf dated 1 December 1947

signed: Hans² Gierliche
HANNS GIERLICHES

Affidavit

I, Heinrich Schädler, residing at 1 Kaiserstrasse in Troisdorf, have been duly warned that I will render myself liable to punishment if I give a false affidavit.

I herewith declare in lieu of oath that the following statement is true to my best knowledge and belief and was made in order to be submitted as evidence to the American Military Tribunal (Case No. 6) in Nuernberg.

On 1 April 1937 I entered the service of the Rheinisch-Westfälische Sprengstoff A.G. as a chief engineer, a firm which in 1931 was merged with the Dynamit-Aktien-Gesellschaft, formerly Alfred Nobel & Co. (DAG). At the time of merger I was taken over by the DAG in the same capacity. At the beginning of 1937 I was given the title of director.

At the present time I am still active in my position as a chief engineer. My activity gave me the occasion, in matters concerning business, to work very frequently together with the Generaldirektor of the DAG, Dr. Paul Mueller, with whom I also entered into a close personal relationship. As a result of this, I know from repeated statements by Dr. Mueller of the clarification of the DAG relations to branch 3 of the I.G. which took place soon after the establishment of the I.G. branches.

I can still clearly recall the following. Since Dr. Gajewski, following the formal merger of the DAG with branch 3,

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believed that he had to look after the technical developments at the DAG, certain differences arose between him and Dr. Paul Mueller which necessitated a clarification of the question of both competences. For this purpose a discussion took place with Geheimrat Bosch during which the question was dealt with whether Dr. Paul Mueller was subordinated to Dr. Gajewski. Geheimrat Bosch did not hesitate to decide in this question that Dr. Gajewski was not to be regarded as the superior of Dr. Mueller.

Moreover, in my capacity as chief engineer, I have always been able to convince myself of the fact that the DAG has actually led more or less a life of its own in technical fields. The cooperation with the I.G. in technical respect was limited to a mutual exchange of processes and occasionally a mutual support in the form of material and personnel. Besides the so-called credit applications of the DAG, in as far as investments of civilian nature were concerned, were presented to the I.G. for approval by the technical committee. This settlement however, was no longer strictly complied with during the war when a great number of the credit applications, even if they were of civilian nature, were approved by Dr. Paul Mueller on his own responsibility.

Troisdorf 1 December 1947.

signed: Heinrich Schindler

The foregoing signature was executed this day by Director Heinrich Schindler, Troisdorf in my presence, Karl Meyer, assistant defense counsel at American Military

DOCUMENT BOOK I DAG

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Tribunal in Nuernberg (Case 6) which is herewith certified and attested.
Treisdorf, 1 December 1947.

signed: Carl Meyer

DOCUMENT BOOK I DAG

Doc. No. 5

Affidavit.

I, Dr. jur. Rudolf Schmidt, residing at 38 Grootestrasse in Koeln-Marionburg am aware of the fact that I will render myself liable to punishment if I give a false affidavit. I declare in lieu of oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal No. V (Case 6, I.G. Farben) at the Palace of Justice in Nurnberg.

On 1 September 1912 I entered the service of the Dynamit-Aktion-Gesellschaft, formerly Alfred Nobel & Co. (DAG), I was appointed Prokurist in the fall of 1913 and became a member of the Vorstand on 1 April 1915. Since that time I have been a member of the Vorstand of the DAG till the middle of 1946 without interruption.

Due to my official position and activity I had full insight into the connections between the I.G. and the DAG.

I was shown Herr Denker's affidavit (NI-7239) in Case No. 8 against Krauch and others on trial before the Military Tribunal in Nurnberg. In regard to this I state the following:

In order to save turnover taxes the I.G. and we asserted that we were an ag-
ency of the I.G. The result of this, if recognized, would be that the volume,
handled between the I.G. and us, was free of turnover tax. The status of an
agency was recognized if the subsidiary company was dependent on the parent
company in financial, economic and organizational respect. We asserted that
this dependency existed just in order to achieve this saving of taxes and it
was recognized by the Reich Finance Court.

To paragraph 1:

1) According to par. 1 of the I.G. contract the DAG was bound to obtain
the approval of the I.G. prior to the execution of transactions which went
beyond the ordinary volume of its trade.

2) Geheimrat Dulsberg was a member of the Aufsichtsrat of the DAG from
1931 till 1935. It is true that Professor Floethoim was a member of the
Aufsichtsrat but not as a representative of the I.G. On the contrary, he
had already been elected a member of the Aufsichtsrat many years before, as
a Generaldirektor of the Keeln-Rottweil A.G., that is at a time when
neither we nor the Keeln-Rottweil A.G. had any connection with the I.G.

To paragraph 2:

It is correct that

the I.G., due to its possession of the preferred stocks, had the majority of votes in the meeting of the stockholders. Consequently the DAG would not have been able to increase the capital against the votes of the I.G. Moreover, the I.G. had to agree with the annual balance sheet for the same reason. However, no provision can be found in the agreement of mutual interests according to which the consent of the I.G. for capital increases or for the annual balance sheets would have been necessary.

To paragraph 3:

It may have occurred in specific cases that Dr. Mueller complained about the price policy of the I.G. In general he was of the opinion that the DAG was paying market prices to the I.G. and was not participating in the internal I.G. clearing prices. Dr. Mueller was a member of the technical committee where he himself represented the so-called credit applications of the DAG. No credit applications, however, were submitted to the technical committee which in any way were of military nature. The technical committee did not receive any information about expenses in connection with the mill which was solely a matter concerning the DAG.

To paragraph 4:

It is correct that the DAG, following the establishment of the branches in 1928, was attached to branch III.

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On the other hand it is incorrect to allege that this was done in the same manner as if the DAG would have been a subsidiary of the I.G. Therein existed a decisive difference. The I.G. plants, belonging to branch III, were under the direction of Dr. Gajowski, this, however, was not the case with the DAG. Dr. Gajowski was not responsible for what was happening in the DAG. When Dr. Mueller held the first discussion at the office of Geheimrat Bosch with Dr. Gajowski in regard to the establishment of branches he asked Geheimrat Bosch - as he himself repeatedly related to me immediately following his return and also later - whether Dr. Gajowski was his superior. Geheimrat Bosch thereupon replied with "no." The DAG actually formed its own branch. In fact it would have been completely inconceivable if Dr. Mueller, who was considered the top expert on explosives, hunting and sporting ammunition and Celluloid, who all by himself had developed the Treisdorf synthetic materials, would have taken orders in our field of work from a representative of the I.G. who was not an expert in our fields.

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To paragraph 5;

It is not correct that the I.G. has asserted its influence on the DAG in respect to personnel through the transfer of Herr Fungs and Herr Schindler. The reason for the transfer of these gentlemen to the DAG rather was as follows: The I.G. had a surplus of highly skilled chemists and engineers while we had a lack of such personnel since in our enterprise the development of the young generation had not kept pace with the technical developments. The seat of our administration was Cologne. Dr. Mueller asked Geheimrat Bosch that the I.G. put at our disposal a first class chemist for synthetic matter who was to have his office in Troisdorf and form the connection between the factory and Dr. Mueller. Geheimrat Bosch named three or four gentlemen a choice, Dr. Mueller decided for Dr. Fungs. He joined us in 1931, in 1933 he became a deputy member of the board and a regular member of the board in 1936.

The case was similar with Herr Schindler. We wanted to establish the position of chief engineer. For this position the I.G. put Herr Schindler at our disposal. By taking him over we enjoyed the advantage of being able to make use of all technical experiences of the I.G. and that a profitable exchange of experiences between the I.G. and us was guaranteed.

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Doc. No. 5

Troisdorf, 1 December 1947.

signed: Dr. jur. Rudolf Schmidt

The foregoing signature was executed this day by Dr. jur. Rudolf Schmidt in my presence, Hanna Gierlich, assistant defense counsel at the American Military Tribunal, Case No. 5, in Nuernberg which is herewith certified and attested.

Troisdorf, 1 December 1947.

signed: Hanna Gierlich.

AFFIDAVIT.

I, Franz Anton GIERLICH, living at Spich wo/Troisdorf, Auguststr. 15 know that I expose myself to punishment if I make a false statement in lieu of oath. I declare herewith in lieu of oath that the following statements are true according to my best knowledge and conscience and were made to be presented as evidence before the American Military Tribunal in Nurnberg (Case 6).

Since 1 July 1936 I have been employed as a lawyer by the Dynamit-Aetien-Gesellschaft, formerly the Alfred NOBEL and Co. (DAG), and since 1940 I have been a Procurist for that firm.

I have been able to tell from the minutes of the Aufsichtsrat meetings of the DAG, beginning with the minutes of the Aufsichtsrat meeting on 22 Dec. 1926, that in the period between 1926 and 1945 the following representatives of I.G. were on the Aufsichtsrat of DAG:

Privy Counsellor Professor Dr. C. BOSCH, Heidelberg, 9. Aug. 1926 - 1940,

Privy Counsellor Dr. Hermann SCHMITZ, Heidelberg, 9. Aug. 1926 - 1945,

beginning 1934 Deputy Chairman
beginning 1938 Chairman

Privy Counsellor Prof. C. DUISBERG, Leverkusen, 1931-1935,
Director Dr. F. GAJEWSKI, Wolfen, 1936-1945,

Accordingly members of the Aufsichtsrat of DAG were

from 1926-1931, from a total of 24-27 members of Aufsichtsrat

Privy Counsellor Prof. Dr. C. BOSCH,

Privy Counsellor Dr. Hermann SCHMITZ;

from 1931 - 1935, from a total of 24-28 members of Aufsichtsrat,

Privy Counsellor Prof. Dr. C. BOSCH,

Privy Counsellor Dr. Hermann SCHMITZ,

Privy Counsellor Prof. Dr. C. DUISBERG;

(page - 2 - of original)

from 1935 - 1936 , from a total of 19-24 members of
Aufsichtsrat,
Privy Counsellor Prof.Dr.C. BOSCH,
Privy Counsellor Dr. Hermann SCHMITZ

from 1936 - 1940, from a total of 19-23 members of
Aufsichtsrat,
Privy Counsellor Prof.Dr.C.BOSCH,
Privy Counsellor Dr. Hermann SCHMITZ
Director Dr. F. GAJEWSKI;

from 1940 - 1945, from a total of 18 - 20 members of
Aufsichtsrat,
Privy Counsellor Dr. Hermann SCHMITZ
Director Dr. F. GAJEWSKI.

Besides the men listed above , Herr Prof. Dr. FRECHTHEIL
Berlin, was also a member of the Aufsichtsrat of DAG
until 1936. However, he did not serve as a representative
of I.G., but held that position even before 1925, i.e.
before the working agreement was made between I.G. and
DAG, in his capacity as Generaldirektor of the Koeln-
Rottweil A.G., which was a partner of DAG in the gene-
ral cartel agreement.

Troisdorf, 19 Dec. 1947

signed: Franz Anton GIERLICH

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The above signature of Assistant Judge Anton GIERLICH,
living at Spich ue/Troisdorf, Augustestr. 15, which
was executed before me, is certified by me.

Siegburg, 19 Dec. 1947

signed: HARTMANN

Notary.

APPIDAVIT.

I, Dr. jur. Rudolf SCHMIDT, living at Koeln-Marienburg, von Grootestr. 36, know that I expose myself to punishment if I make a false statement in lieu of oath. I declare in lieu of oath that my statement is true and was made to be presented as evidence before the Military Tribunal Court No. VI (Case E I.G. Farbenindustrie) at the Palace of Justice, Nurnberg.

I started working for the Dynamit-Action-Gesellschaft, formerly the Alfred NOBEL & Co., on 1 Sept. 1912, was appointed Prokurist in the fall of 1913 and to the Vorstand on 1 April 1915. From that time until the middle of 1946 I was continuously a member of the Vorstand of the Dynamit-Action-Gesellschaft, formerly the Alfred NOBEL & Co.

As a result of my official position and duties I had complete insight into the relationship between the I.G. Farbenindustrie and the Dynamit-Action-Gesellschaft, formerly Alfred NOBEL & Co.

I have the following to say in regard to instructions from the I.G. Farbenindustrie concerning the business procedure of the Dynamit-Action-Gesellschaft:

(page - 2 - of original)

There were no instructions regarding the ordinary routine of business. Section I of the working agreement provided that DAG, formerly Alfred NOBEL & Co., only had to have the consent of I.G. Farbenindustrie for deals which were over and above the ordinary pursuit of its commercial trade. On the other hand, I.G. was naturally interested, as a result of the working agreement, in the commercial results of our business, since we had, of course, to turn over our profits at the end of the year. For this reason we sent in reports, at regular intervals, concerning sales, money receipts, disbursements etc.. There was no reason for more extensive, regular reports, because the work of the I.G. and the DAG was completely separated. The reasoning behind the working agreement had been exactly that the DAG should turn over the manufacture of those things that were in I.G.'s field to I.G., and in return should take over from I.G. everything that pertained to powder, explosives, hunting and sport ammunition.

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There were points of contact in the manufacture of plastics because I.G. delivered most of the raw materials for the plastics perfected by DAG, but in this case the exchange of experiences occurred mostly between the delivering and receiving plants.

The yearly balance sheet conferences, which were the basis for the accounting between I.G. and DAG, according to the working agreement, consisted in our presenting our suggestions to Privy Counsellor SCHMITZ in Berlin and talking them over with him. No minutes were made of these discussions.

So far as the Aufsichtsrat is concerned, we limited ourselves to making the quarterly reports that are prescribed by law and holding an Aufsichtsrat meeting once a year.

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When the business of the DAG became more and more influenced by military matters, about which we were also obliged to secrecy towards the Aufsichtsrat, we took that opportunity to dispense entirely with our quarterly reports. So then the Aufsichtsrat was only given a report in the yearly Aufsichtsrat meeting. Here we were not allowed to mention military matters. The Aufsichtsrat meeting went about as follows: one of us presented the printed balance sheet and Herr Dr. MUELLER made a general report on the fiscal year, without mentioning any sales figures or the like, however, while Privy Counsellor SCHMITZ read a few sentences from the audit report-which I had made and handed to him, and which remained with the firm - which showed that the audit did not give cause for any objections and that our books had been found to be in perfect order. The yearly auditor's reports of the Chemical Auditing and Trustee Corp. (Chemie Revisions- und Treuhand-Gesellschaft m.b.H.) were never shown to the members of the Aufsichtsrat.

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In the Aufsichtsrat meetings chemistry concerned with conversion (Verwertchemie) was not even mentioned. Naturally, the Aufsichtsrat of the DAG also did not receive the audit reports concerning such conversion chemistry.

I do not know whether Privy Counsellors SCHMITZ and GALLERSKI received the audit reports of DAG - as far as I know the Chemical Auditing and Trustee Corp. only sent a few copies to the main bookkeeping office of I.G. outside of the copies which we received-, but I do know, on the other hand, that these two men did not receive the reports on conversion chemistry.

Troisdorf, 1 Dec. 1947

signed Dr. jur. Rudolf SCHMIDT

The above signature of Herr Dr. jur. Rudolf SCHMIDT was executed today before me, Hanns GIERLICH, assistant defense counsel before the American Military Tribunal Court in Case 6 in Nuernberg, and is herewith certified and attested by me.

Troisdorf , 1 Dec. 1947

signed: Hanns GIERLICH

Affidavit.

I, Heinrich Schindler, living in Troisdorf, Kaiserstrasse 1, have been duly warned that I render myself liable to punishment by delivering up a false affidavit.

I hereby declare on oath that the following statements, to the best of my knowledge and belief, are in conformity with the truth and were made to be submitted as evidence to the American Military Tribunal in Nuernberg (Case 6). On 1 April 1930, as Chief Engineer, I entered the service of the Rheinisch-Westfaelischen Sprengstoff-Aktion-Gesellschaft (Rhenish-Westphalian Explosive Joint-Stock Company), which was amalgamated in 1931 with the Dynamit-Aktion-Gesellschaft (Dynamite Joint-Stock Company) formerly Alfred Nobel & Co. (DAG). When the merger took place, I was taken over by the DAG and in the same position at that. At the beginning of 1937 I acquired the title Director. I am still working to-day as Chief Engineer.

In my above indicated position I had to do with the Reichs-own powder and explosive works and am consequently competent to give an opinion on the particular position of the Reichs-own factories. The factories created and managed by order of the Reich by subsidiary or sub-subsidiary enterprises cannot be attributed to the IG for the following reasons:

- a) The so-called cover-agreement, concluded between the Reich Exchequer Army and the Dynamit AG provides under Par 11 No. 1):

"The Army High Command is for reasons of State necessity at all times entitled to carry on itself or have carried on in the works the manufacture of products for the purposes of the Wehrmacht....."

Accordingly Ordnance reserved the right for itself either to carry on the works itself or have them carried on by a third party without taking into consideration the planning and erecting firm, a procedure which even if it was not the rule took place in practice.

b) In Par. 12 of the cover-agreement, it reads under No. 1.)

"The firm states expressly that it administers as trustee of the Army High Command the works forming the subject of this agreement....."

c) With reference to the Reichs-own works there existed strict secrecy rules, which held in general, and also relating to the IG and made it impossible for the IG to be informed about these works.

d) Because of these secrecy rules a visit for example of a member of the Vort of the IG to a G.m.b.H. factory could only have taken place with special permission of the Army Ordnance Office or Local Corps General Staff.

e) The I.G. itself was perfectly clear about the fact too that it had no influence whatsoever on the Reichs-own plants. In the case of the G.m.b.H.-Fabrik Christianstadt (Limited Liability Company Factory Christianstadt) there were two plants nitric acid and formaldehyde which belonged to the sphere of work proper to the I.G. To guarantee to the I.G. the influence it was its due here which it moreover could not exert on Christianstadt, transactions were on foot in 1944 to separate these two branches of the plant and place them under I.G. responsibility. These transactions did not lead to a formal conclusion because of the end of the war. All the participants however, DAG, I.G., Army Ordnance Office and Mentan (Mining) arrived at a uniform understanding among themselves in this matter in the sense of an organisational division of Christianstadt into a G.m.b.H.-half and an I.G. half.

- f) With reference to salary and wages questions, the G.m.b.H.-Fabriken were in part subject to special regulations, e.g. relating to the Christmas bonus in the case of which a ruling was provided which deviated from the D.G. which however was generally valid for the Reichs-own mining works.
- g) Apart from that, for example, the balance sheet audit in the case of the G.m.b.H. zur Verwertung chemischer Erzeugnisse (Limited Liability Company for the Utilization of Chemical Products), which managed the factories erected by Dynamit AG on behalf of the Reich, was carried out by the Revisionen. and Treuhand G.m.b.H. (Audit and Trust Limited Liability Company) appointed by the Reich, not by the Chemie-Revisionen- und Treuhand - G.m.b.H., (Chemistry Audit and Trust Limited Liability Company) which, to our knowledge, examine on behalf of the I.G. all I.G. subsidiary companies.

In conclusion it can be confirmed that at the end of the war in the sphere of powder and explosives altogether some 70 Reichs-own factories were operating, while the DAG at the end of the war itself managed only 1 factory which exclusively supplied military powder and 4 factories partially active in the military powder and explosive sector. Over and beyond that along with the subsidiary enterprises with a majority participation of Dynamit AG 4 factories were operating partially in this sphere. (In conformity with the simultaneous affidavit concerning powder production the black powder and pyrotechnical sector have not been taken into consideration in the preceding details either).

Troisdorf, 18 December 1947.

signed: Heinrich Schindler

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The preceding signature executed before me of Dipl. Ing. Heinrich Schindler, living in Troisdorf, Kaiserstrasse 1, I certify.

Siegburg, 19 December 1947.

signed: Hartmann

Notary,

Dr. Max Herrmann

Notary in Siegburg
(stamp).

Affidavit,

I, Franz Anton Gierliche, living in Spich near Troisdorf, Augustusstr. 15, k that I render myself liable to punishment by delivering up a false affidavit. I hereby swear on oath that the following statements, to my best knowledge and belief, are in conformity with the truth and were made to be submitted as evidence to the American Military Tribunal in Nuernberg (Case 8).

Since the 1 July 1936 I have been working as jurist with the Dynamit-Aktion-Gesellschaft formerly Alfred Nobel & Co. and since 1940 have been prokurist of this company.

Because of my activity with the Dynamit-Aktion-Gesellschaft formerly Alfred Nobel & Co. (DAG), I am in a position to express an opinion on the question whether the cover-agreement between the German Reich (Reich Exchequer Army), represented by the High Command of the Army (OKH) and the DAG represented by its Vorstand, dated 4 March 1940

and submitted as exhibit of the Prosecution No. KI - 7771, has been submitted to the IG for approval or has been brought to the knowledge of the I.G.

The cover agreement, just like the lease-contract between the Verwertungsgesellschaft fuer Montanindustrie GmbH., located in Munich, (Montan) and the Gesellschaft mit beschraenkter Haftung zur Verwertung chemischer Erzeugnisse, located Treisdorf, district Cologne, (Vorwerkchemie) was concluded without the co-operation of the I.G., nor was it submitted to the I.G. for approval. In accordance with an arrangement between the I.G. and DAG, all important agreements of the I.G. and its Konzern companies were directed in draft to the Central Agreements Office of the I.G. in Ludwigshafen, to be examined as to possibilities of conflicting with already existing agreements of other Konzern Offices and to obtain the point of view of other interested Konzern offices. A copy of the concluded agreement was likewise transmitted to the I.G. Central Agreements Office. Deviating from this procedure observed in the case of the majority of the important agreements concluded by the DAG, the so-called secret agreements concluded by the DAG and its subsidiary companies

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(e.g. the ~~Warren-Commissions-Aktiengesellschaft~~) did not come to the knowledge of the Central Agreements Office either before or after their conclusion. Nor the cover agreement between the OKH and the DAG and the lease-contract between the Montan and Verwert-chemie sent to the Central Agreements Office of the I.G. either. This I could still ascertain with certainty since a list is still available in which the numbers are noted under which the agreements concluded by the DAG were registered by the Central Agreements Office of the I.G. In the case of the agreements named such a number is not noted in the list. Nor as far as I remember were the cover agreement and corresponding agreements brought to the knowledge of Dr. Buhl either as the competent central authority within the I.G. for such agreements. I believe I can remember, it is true that Dr. Buhl was corresponded with once on account of an isolated question. In this, however, he was only informed of the single agreement provision on which his opinion was solicited. Nor in this case was it a question possibly of securing the approval of an I.G. Office for the

agreement or the Agreement provision in the case in question, but simply of a mere exchange of opinion as regards the expediency of the Agreement provision in question.

I discern confirmation of my preceding statements in the letter of Ministerial Counsellor (retired) Dr. Buhl dated 20 December 1939 (Prosecution Exhibit NI - 7429). This letter which deals with Military Economy Installations and alludes to the shaping of the contractual agreements with Montan, is directed to different Legal Departments within the I.G.-Konzern, not however to the DAG or one of its subsidiary Companies. Nor has the Central Office created by the I.G. for agreements concerning Military economy installations included therefore in the circle of offices looked after by it the DAG and its subsidiary companies. Just like the planning and erection, as well as the management, of the Montan factories, the conclusion of relative agreements was effected independently by the DAG or Verwert-chemie without the I.G. being informed about it. The secrecy

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stipulations (see, for example, Par. 14 of the Cover agreement dated 4 March 1940) did not permit of such agreements being submitted to the I.G. Troisdorf, 3 December 1947.

signed: Franz Anton Gierlichs
FRANZ ANTON GIERLICH

The preceding signature of the Junior Administrator Franz Anton Gierlichs, Spich near Troisdorf, was executed to-day before me, Carl Weyer, deputy defence counsel before the American Military Tribunal in Wuerzburg (Case 8) as I hereby certify and testify.

Troisdorf, 3 December 1947.

signed: Carl Weyer
CARL WEYER

Affidavit.

I, Heinrich Schindler, resident at Treisdorf, Kaiserstrasse 1, have been warned that I render myself liable to punishment if I give a false affidavit. I hereby declare in lieu of an oath that the following statements are the full truth to the best of my knowledge, and that they have been made to be submitted as evidence to the American Military Tribunal in Nurnberg (Case 6).

On 1 April 1930 I entered the employment of the Rheinisch-Westfaelischen Sprengstoff-A.G. as chief engineer (Chef-Ingenieur), which company was merged in 1931 with the Dynamit-AG Aktien-Gesellschaft formerly Alfred Nobel & Co. (DAG). After the merger I was taken over by the DAG in the same capacity. At the beginning of 1932 the title of director was bestowed on me.

I am still working as chief engineer (Chef-Ingenieur). In my above-mentioned position I worked both at the construction and the operation of the DAG owned and Reich Government owned powder- and high-explosive installations, and I am therefore in a position to give my judgment concerning the technical questions in connection with this topic.

I. Construction of the Powder- and High-ExplosiveInstallations.

1.) The special consideration given to the geographical position in choosing the sites for the new factories,

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the situation plan (dispersed buildings), the construction of the buildings (ferro-concrete with solid roofs), and the extensive camouflage arrangements were all more or less superfluous from aggressive war viewpoint. These measures were only justified by anticipating a defensive war, both on land and in the air. For an aggressive war temporary and quickly-erected buildings would have sufficed, and the main point would have been to produce as much as possible in preparation for storage purposes in these temporary structures. There are two more points which prove that a defensive war was envisaged: -

- a) After the war had started, certain trends appeared within at discontinuing to a certain degree, as far as economic considerations connected with this type of production permitted, the current used principles of camouflage, dispersed buildings, solid construction method etc., which, of course, caused greater expense and delay.
- b) During the second stage of the war, when Germany was forced into the defensive, the factories first built according to the old principles fully withstood the test of defensive warfare. The heavy air raids, to which several plants had been exposed, only caused partial damage. A resumption of operations was possible in all cases, respectively would have been possible.

2.) The materials which were used for the machines of the new installations, in order to achieve greater durability and also to permit suspension of operation^{tion} then for long periods, were often first-rate, durable materials, such as alloy steel, whilst such materials as iron, wood, stones etc. would have sufficed, if an early outbreak of hostilities had been anticipated.

3.) Frequently, the new installations were erected in well-known distressed areas on account of creating additional employment, even disregarding military, technical (communication problems, drainage system for waste water etc.), or commercial utility problems, and also disregarding deadline postponements necessitated through these stops.

4.) The character of the later^{provenant} scheme was also^{characterized} by the fact that an immediate taking up of production was not planned in many cases. Secondary buildings, such as workshops, office buildings, rest rooms, mess halls, drainage systems etc., were neglected, and were added in a more or less slipshod manner when the operations started, so that on each occasion, when the order to commence operations was given, several months elapsed before production was actually started. In part there were also perpetual difficulties once operations had gone under way, for example the drainage problem.

5.) The greater part of the construction work in conjunction with the mining installations, which were built by the Dynamit-A.G., for the Reich government, was definitely completed during the war years.

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The expenditure till the beginning of the war was only 12%, while during the war 88% of the total cost was incurred. In this connection it must also be considered that those 12% included the expenditure for the Boesisch-Lichtenna plant, a replacement for the Reinsdorf factory of the WISAG which was destroyed in summer 1935 by an explosion. The Versailles Treaty included a clause permitting that Reinsdorf manufactured military high-explosives, and this factory operated already before 1933. Thus the percentage mentioned is reduced to approximately 10%.

6.) The iron- and labor allocations were insufficient immediately before the war, and worse than ever before. Thus, the building of the planned plants was severely hampered, just in the period immediately preceding the war.

7.) The delivery of those machines that were made from Krupp steel, an important part of the factory equipment, was repeatedly delayed because the Krupp concern, in supplying such machines to foreign armament factories (for example Toulouse, furthermore plants in Yugoslavia and Russia) till the beginning of the war, gave them priority over DAG orders, which that firm submitted for the Reich government.

8.) At the outbreak of war no provisions had been made at all that a certain stage of the planning scheme should have been completed.

The technical armament situation in the powder and high-explosive field was rather quite insufficient. For example, the capacity of the trini-

trotoluoel production, which by no means was completely exploited, was at that time only approximately 6,000 tons per month, counting the total production of all the manufacturing firms. During the war it increased to approximately 20,000 - 22,000 tons per month, which constituted only 40% of the American production potential. The majority of powder- and high-explosive factories were only built during the war. In some fields the situation at the beginning of the war was even considerably worse than in the trinitrotoluol (Tri) field.

3.) In this connection I want to mention the filling plant field as a practical instance of insufficient preparation measures. At the outbreak of war it appeared that far too few munitions filling plants had been planned, so that a great number of temporary filling plants had to be hurriedly planned again on other selected sites. As far as can be judged from here, it was a matter of more than a dozen filling plants, which had to be constructed within a few months, and which started operations in spring 1940. The mixtures too, which were used in these new plants, bore the mark of being temporary expedients. As there was a lack of first-rate substances, strongly diluted mixtures were introduced, for instance ammonal which contained 80% and more of ammonium nitrate, a mixture which was abandoned later on, as soon as the high-explosive bottleneck had been overcome to some extent. Finally, the insufficient preparation and planning can also be seen from the fact that those filling plants mounted auxiliary ferro-concrete shells, instead of actual bomb-shells, which were lacking.

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10.) The orders which the Army Ordnance Office gave for the construction of factories or part-factories owned by the Reich Government were called advance notes. The Dynamit-A.G. received:-

before 1 September 1939	112 Advance Notes - 29,3%
from 1 September 1939 - 31 December 1939	83 Advance Notes - 31,6%
from 1 January 1940 - End of the war	188 Advance Notes - 49,1%

	271 70,7%

(In this connection the figure 188 is actually too low, as it only comprises those advance notes which can be traced now, but not the total amount of advance notes).

These figures also prove that, when war broke out, the technical rearmament in the powder- and high-explosive field had not been completed by any means. It should also be noted that 29,3% of the advance notes, which date before the war, even do not reflect the actual armament level, but only give an indication to what extent the paper planning stage had been completed. Actually, the calculation under section 5 shows the real state of affairs, according to which approximately 10% of the expenditure prior to the war was used for factory new-constructions, while the corresponding figure for the war stands at 90%. How really unprepared even the theoretical planning was when the war started is not only shown by the low percentage of the advance notes received by that time (112 - 29,3%), but is particularly emphasized by the fact that during the first four war months, from 1 September 1939 till 31 December 1939,

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83 advance notes, i.e. 21.6%, were issued. The number of advance notes in this short period is not very much lower than the comparable one during the whole of the pre-war period, which covered several recruitment years, though. Therefore, there was reason enough at the outbreak of the war to re-examine the whole planning, which evidently did not seriously consider any hostilities, and hurriedly to fill the gaps by issuing new advance notes.

II. Operation of the Plants.

1.) The production figures of the Company for the utilization of Chemical products (Gesellschaft fuer Verwertung chemischer Erzeugnisse), which had a lease to operate the Reich government-owned plants built by the DAG, were very low before the war. Only 3.4 % can be put down for the pre-war period (3½ years), for the war years (5½ years) 96.6% of the total production. Practically, therefore, the pre-war production disappears completely, if compared to the war output.

2.) At the beginning of 1939 greater demands were made as to the quality of trinitrotoluol. The trinitrotoluol manufactured till then was not sufficiently storage- and temperature proof. Now, a trinitrotoluol was generally demanded that withstood the highest tests of chemical purity, and was thus also suited to endure storage for many years. In order to achieve this, orders were given for re-crystallization plants with a capacity of 1.500 tons per month, which were then built. Besides, the actual trinitrotoluol manufacturing process had to be improved to such a degree, as the

necessary trinitrotoluol quantities could not be remotely produced by way of the re-crystallization procedure, that the quality of the product, called A-Tri, was roughly equal to that of the Union Rheinische Braunkohlen Kraftstoffe Industrie (Rhenish Lignite Power Fuel Industry) trinitrotoluol. If an aggressive war was contemplated, which would involve a rapid using up, such a measure was unnecessary, because there was no need for the trinitrotoluol to be particularly storage proof. Still assuming that an aggressive war was planned, this measure was actually harmful, for the time schedule for erecting the Rheinische Braunkohlen Kraftstoff plants had to be set at two years, and their operation would have caused difficulties concerning the supply problem of the dissolving agents.

A new process for A-Tri had to be found yet, had to be tested, and then adopted for practical use. Therefore, most of the plant recorded an almost complete halting of production at one time or other. When the process was eventually found, it appeared that the original production potential could not be reached any more. This potential at first regressed by approximately 50%. Even after working improvements had taken place and additional machines had been installed, a permanently lowered capacity of approximately 30%, compared to the previous one, could be noted for the A-Tri production. With the A-Tri the amount of acids used was less favorable, the same applied to the scouring process.

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Altogether, the amount of raw materials used was higher. In addition, there were considerable drainage difficulties arising from the switch-over to A-Tri.

In the course of the war the use of A-Tri was quickly discontinued, apart from a small proportion for certain uses.

3.) If munition was filled pre-war at all, pure trinitrotoluol was used. Filling pure trinitrotoluol was unnecessarily expensive as to the raw materials used and the expenditure, if plans had been made that it was to be used at an early date, say, after a few years. The filling of pure trinitrotoluol only made sense, if a storage for many decades was planned. Therefore, immediately after the outbreak of war, it was ordered that generally the considerably cheaper mixture - 60% trinitrotoluol/ 40% ammonium nitrate - was to be used for filling.

4.) If at the beginning of the war a certain completion of the technical rearmament in the powder- and high- explosive field had existed, this would have shown in an immediate production jump. Since 1932 the whole of the German powder- and high-explosive production developed as follows:

		<u>Increase</u>
1937	66,000 tons	22,000 tons
1938	88,000 tons	43,000 tons
1939	131,000 tons	42,000 tons
1940	173,000 tons	74,000 tons
1941	247,000 tons	53,000 tons
1942	310,000 tons	143,000 tons
1943	453,000 tons	
1944	445,000 tons	

As can be seen, the year 1940 does not show any marked production increase compared to 1939. Such increase first appears in 1941, when

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an increase of 74,000 tons compared to the preceding year has been recorded. The greatest production jump, in the powder and high-explosive field does not occur before 1943, with increase of 143,000 tons. The first important production increase, therefore, only started one and a half years after the outbreak of war, while the decisive increase is recorded only three and a half years later. Troisdorf dated 1 December 1947

HEINRICH SCHINDLER
(signed: Heinrich Schindler)

The above signature of Herr Director Heinrich Schindler, Troisdorf, has today been given before me, Karl Weyer, deputy defense counsel at the American Military Tribunal in Nuernberg (Case 6), which I hereby certify and attest.

Troisdorf dated 1 December 1947

CARL WEYER
(signed Carl Weyer)

DOCUMENT BOOK I DAG
DOCUMENT No. 11

Affidavit.

I, Heinrich Schindler, residing in Troisdorf, Kaiserstrasse 1, have first been duly warned that I will render myself liable to punishment if I give a false affidavit.

I hereby declare on oath that to the best of my knowledge and belief the following statements represent the truth and were made for the purpose of being submitted in evidence to the American Military Tribunal in Nuremberg (Case 6).

On 1.4. 1930 I entered the service of the Rheinisch-Westfälische Sprengstoff A.G. as Chief Engineer, which in 1931 was merged with the Dynamit-Action-Gesellschaft, formerly Alfred Nobel & Co. (DAG). At the time of the merger I was taken over by the DAG in the same position. At the beginning of 1937 I was given the title of Manager.

I am still working today as Chief Engineer also.

In my above-described position I was concerned with the construction of powder and explosive plants and am consequently in a position to pass judgment on the technical questions connected with this.

Prosecution Document No. NI-9193, Document Book 32, containing the affidavit of Dr. Zeidelhack, has been shown to me. I shall express the following opinion about this:

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1.) Mr. Zeidelhack proceeds on the assumption that a total of 30 mining plants, including 15-18 chemical ones, would have been sufficient to cover the needs of the peacetime army. The term "factory", however, is in no way defined. Consequently it cannot be said that a specific number of factories would have been sufficient for a specific purpose. If, for example, it is a question of obtaining a powder capacity of 2000 tons per month this project can be divided up according to the most widely different points of view.

- a) one can build a factory producing 2000 tons per month, including the necessary nitro-cellulose production.
- b) one can set up two factories with a production of 1000 tons per month each, always including the necessary nitro-cellulose.
- c) one can build two powder factories of 1000 tons per month each, and on the other hand provide a nitro-cellulose factory as a supplier for both powder factories.
- d) finally, one can build two powder factories and two nitro-cellulose factories, each with half capacity.

Thus, there is the possibility of achieving the same purpose with one, two, three or four factories, and in such cases each of the solutions outlined above can be technically correct according to the given conditions. (Apart from the variants outlined above still further variations are also conceivable.)

2.) Mr. Zeidelhack speaks of a peacetime requirement of the army.

Such a peacetime requirement, after all, hardly exists in the powder and explosives field and the other branches of the chemical industry. For there is no peaceful consumption here, apart from small quantities

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which are used in maneuvers and rifle practice. Powder and explosive factories, if the figure exceeds one or two factories, are needed only as emergency plants or for producing reserve stocks. To that extent the statement that double the number of factories was built that was actually needed with respect to the peacetime requirements is not rightly understandable.

3.) In his last paragraph under Section 4 Dr. Zeidelhack says:

"The factories built by the I.G. and its subsidiaries for meeting these requirements in the pre-war period were therefore double the peacetime requirements."

From this paragraph the opinion must arise, whether this impression was intended by Dr. Zeidelhack or not, that the I.G. was responsible because an unnecessarily large number of factories were constructed. The I.G. never had anything to do with the powder and explosive factories, which constituted by far the lion's share of the plants in the chemical field. On the contrary, the construction of these factories was carried out without the participation of the I.G. by DAG, WASAG, Wolff & Co., etc., or by the subsidiary firms founded by the latter for this purpose. But ^{now} it would also be

erroneous to make these firms in any way responsible for the extent of the new production amounts which arose in the course of the armament program. New production amounts were only obtained insofar as they were required by the Ordnance Department and actually ordered. It was certainly not possible for industry to pass any judgment on the production amounts which were needed. In this respect industry could exercise no initiative whatsoever. At most, industry was able to exert an advisory but not decisive influence concerning location and ordering of production amounts

insofar as it could express its opinion as to how a specific, newly required performance should be partitioned and divided up. Insofar as industry had any influence in this respect, however, its effect was that industrialists rather adopted the opinion that the production amounts, the size of which was definitely determined, should not be made to differ too widely from each other, but should be more concentrated, that is, that fewer plants should be built, in the interests of administrative and organizational simplification in construction and assembly as well as subsequent operation.

4.) If in the previously mentioned passage in his statements Dr. Zeidelhack says that the factories erected by the I.G. were double the perceptive requirements then this is contradicted by what he says under 5). For in this section it says:

"The statements of General Becker and Freiherr von Diersburg mentioned above were frequently made in the course of official conversations with me in 1939, and indeed regularly when new planning projects were ordered by the General Staff."

After all this expresses that the General Staff was the deciding authority for the construction of new plants and that there was not so much talk in the Army Ordnance Office, about the I.G. building too many factories but rather that the requirements of the General Staff were too high.

5.) Dr. Zeidelhack considers the total number of the mining plants as 100% too many and, indeed, he holds this opinion not only concerning the chemical field, but also, although this is not expressly emphasized, it appears nevertheless from the context that the metal-working field also shared in this extravagance. Who, then was responsible for this? So far as is known here a large number of firms participated in

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the construction of the metal-working mining plants, so that accordingly it was probably hardly possible that a unified tendency to build more factories than necessary should come about.

In the chemical field, indeed, just as in the metal-working field, those factories were built which were required by the General Staff or by the Army Ordnance Office. Now the question whether this was too many or too few factories may remain open. In any case, during the war a tremendous increase in production proved necessary in the powder and explosives field so that one can at least say that for this eventuality the planning program was not even remotely sufficient.

Troisdorf, 2 December 1947.

HEINRICH SCHINDLER
(signed: Heinrich Schindler)

The preceding signature of Manager Heinrich Schindler, Troisdorf, was executed today before me, Karl Meyer, deputy defense counsel before the American Military Tribunal in Nurnberg (Case 6), which is hereby certified and witnessed by me.

Troisdorf, 2 December 1947.

CARL MEYER
(signed: Carl Meyer)

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Affidavit.

I, Heinrich Schindler, residing in Troisdorf, Kaiserstrasse 1, have first been duly warned that I will render myself liable to punishment if I give a false affidavit.

I hereby declare on oath that to the best of my knowledge and belief the following statements represent the truth and were made for the purpose of being submitted in evidence to the American Military Tribunal in Nurnberg (Case 6).

On 1.4. 1930 I entered the service of the Rheinisch-Westfalische Sprengstoff-Action-Gesellschaft as Chief Engineer, which in 1934 was merged with the Dynamit-Action-Gesellschaft, formerly Alfred Nobel & Co. (DAG). At the time of the merger I was taken over by the DAG in the same position. At the beginning of 1937 I received the title of Manager.

I am still working today as Chief Engineer also.

On the basis of the material which was accessible to me in the course of my work I am in a position to give the following statistics on the development of the powder and explosives production of the Dynamit A.G. and the subsidiary enterprises in which it had a majority share: -

	Civilian Explosives		Military Explosives		Powder		Total
1930	15.918	to = 100 %	---		---		15.918 to
1931	11.840	to = 100 %	---		---		11.840 to
1932	10.218	to = 100 %	---		---		10.218 to
1933	11.523	to = 98.5%	---		170 to = 1.5 %		11.693 to
1934	13.803	to = 88.8%	1.520 to = 9.7 %		240 to = 1.5 %		15.563 to
1935	16.266	to = 65.5%	4.780 to = 19.3%		3.780 to = 15.2%		24.826 to
1936	20.173	to = 61.0%	6.030 to = 18.2%		6.900 to = 20.8%		33.103 to
1937	29.084	to = 73.1%	2.800 to = 7.0%		7.900 to = 19.9%		39.784 to
1938	28.178	to = 66.8%	4.680 to = 11.1%		9.300 to = 22.1%		42.158 to
1939	29.710	to = 61.2%	7.810 to = 16.1%		11.000 to = 22.7%		48.520 to
1940	30.280	to = 57.5%	10.150 to = 19.2%		12.300 to = 23.3%		52.730 to
1941	31.190	to = 50.1%	17.460 to = 28.1%		13.600 to = 21.8%		62.250 to
1942	35.390	to = 53.8%	15.860 to = 24.0%		14.600 to = 22.2%		65.850 to
1943	45.440	to = 59.1%	15.690 to = 20.5%		15.600 to = 20.4%		76.730 to
1944	51.140	to = 61.7%	16.100 to = 19.4%		15.600 to = 18.9%		82.840 to

See also above exhibit page 4. (of the original)

Accordingly, therefore, in connection with DAG's own business the preponderance lay always, even during the war, with the civilian explosives, which with respect to quantity exceeded the production of military explosives and powder.

The picture becomes even clearer if the purely military explosives are not taken into account, but rather, conforming to the practice with civilian explosives, the mixtures of explosive components with alloys, such as ammonium nitrate, etc.. This way of looking at it is also significant because the figures thus computed provide a direct rule for measuring the production of munitions.

Thus one obtains the following table:

	Civilian Explosives	Charging Production	Powder	Total
1930	15,918 to = 100%	---	---	15,918 to
1931	11,840 to = 100%	---	---	11,840 to
1932	18,218 to = 100%	---	---	18,218 to
1933	11,523 to = 98.4%	---	170 to = 1.6%	11,693 to
1934	13,803 to = 98.3%	---	240 to = 1.7%	14,043 to
1935	16,266 to = 81.1%	---	3,780 to = 18.9%	20,046 to
1936	20,173 to = 74.6%	---	6,900 to = 25.4%	27,073 to
1937	29,084 to = 78.6%	---	7,900 to = 21.4%	36,984 to
1938	28,178 to = 75.2%	---	9,300 to = 24.8%	37,478 to
1939	29,710 to = 71.3%	1,000 to = 2.4%	11,000 to = 26.3%	41,710 to
1940	30,280 to = 69.5%	1,000 to = 2.3%	12,300 to = 28.2%	43,580 to
1941	31,190 to = 68.1%	1,000 to = 2.2%	13,600 to = 29.7%	45,790 to
1942	35,390 to = 69.4%	1,000 to = 2.0%	14,600 to = 28.6%	50,990 to
1943	45,440 to = 73.2%	1,000 to = 1.6%	15,600 to = 25.2%	62,040 to
1944	51,140 to = 75.4%	1,000 to = 1.5%	15,600 to = 23.1%	67,740 to

See also exhibit below page 4 (of the original)

Troisdorf, 19 December 1947

HEINRICH SCHINDLER
(signed: Heinrich Schindler)

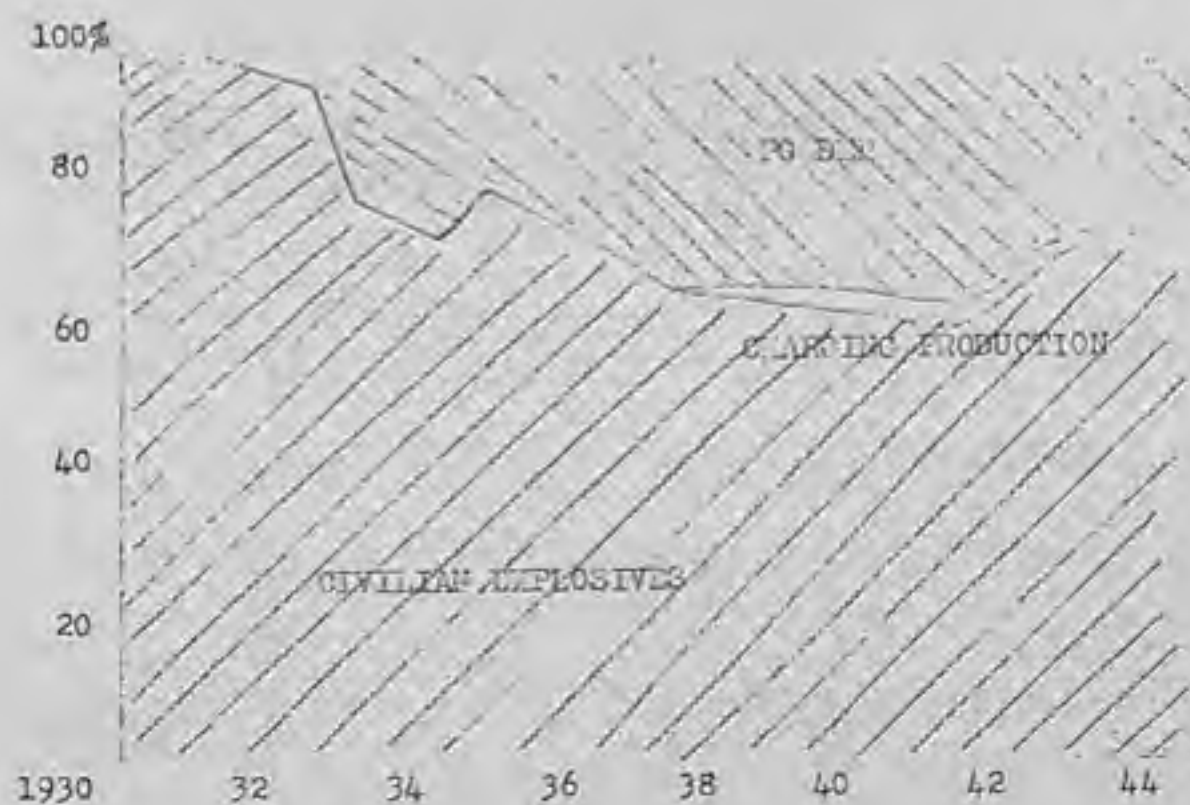
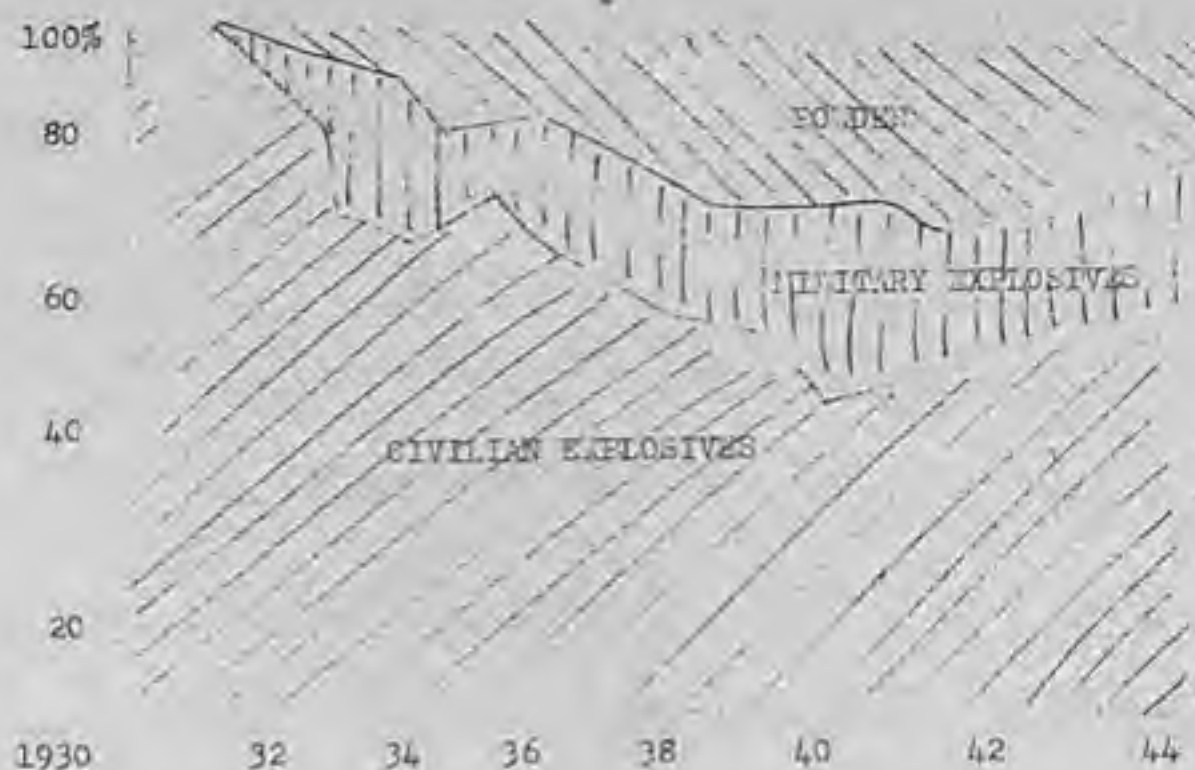
Registration Document 1207/47. (Stamp: Dr. Max Hartmann - Notary in Siegburg)
executed

The above signature/before me by Graduate Engineer Heinrich Schindler, residing in Troisdorf, Kaiserstrasse 1, is certified by me.

Siegburg, 19 December 1947

signed: Hartmann, Notary

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AFFIDAVIT.

I, Heinrich SCHINDLER, residing at Troisdorf, Kaiserstr. 1, was duly warned that I make myself liable to punishment by rendering a false affidavit. I declare in lieu of oath that the following statements are true to the best of my knowledge and belief and were made to be presented in evidence before the Military Tribunal in Nuernberg (Case 6).

On 1.4.1930 I entered service with the Rhoenisch-Westfaelische Sprengstoff-Actien-Gesellschaft as a Chief-Engineer. In 1931 this company was combined with the Dynamit-Actien-Gesellschaft formerly by Alfred Nobel & Co. (DAG). At the time of fusion I was taken over by DAG in the same position. Beginning 1937 I was given the title Director.

To-day I am still working as Chief-Engineer.

On the basis of material which in official ways has become known to me, I am in the position to express myself in regard to the development of the dynamite production.

In the following I submit a survey on total production of military dynamite in Germany from 1931-1944. Also are listed the Dynamit A.G. and its subsidiary enterprises with majority participation, the Montan- and other installations belonging to the Reich and the other production plants. The listing refers to the explosives trinitrotoluol, hexogen, nitropenta, hexanitrodiphenylamin and picric acid.

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	Total t.	DAG and sub- sidiaries with majority participation	Montan and other Reichs- installations	Others
1930	3.850	-	-	3.850 to=100
1931	3.910	-	-	3.910 to=100
1932	6.030	-	-	6.030 to=100
1933	8.240	-	-	8.240 to=100
1934	13.040	1.520 to=11.7%	-	11.520 to=68.
1935	15.160	4.780 to=31.5%	-	10.380 to=68.
1936	20.850	6.030 to=28.9%	8.200 to=39.3%	6.620 to=31.
1937	31.050	2.800 to= 9.0%	17.200 to=55.5%	11.050 to=35.
1938	45.990	4.680 to=10.2%	19.700 to=43.0%	26.610 to=46.
1939	67.260	7.810 to=11.6%	38.200 to=57.0%	27.250 to=31.
1940	92.470	10.150 to=10.9%	60.440 to=65.4%	21.880 to=23.
1941	110.060	17.460 to=12.5%	99.900 to=71.3%	22.700 to=16.
1942	159.810	15.860 to=10.0%	123.600 to=77.2%	20.350 to=12.
1943	231.080	15.690 to= 6.8%	190.100 to=82.1%	25.290 to=11.
1944	209.290	16.100 to= 7.7%	172.700 to=82.5%	20.490 to= 9.

See also above picture page 6 .

Also the following results from the chart:

Total production before the war: ca. 180.000 t = 16.7% of the pro-
duction of 1930 until the end of
the war.

Total production during the war: ca. 900.000 to=83.3% of producti-
on of 1930 until the end of war.

Total production of 1930 until end of war:

ca. 1.080.000 t = 100%.

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The production of Dynamit A.G. and its subsidiaries amounted before the war to

ca. 22.000 t = 12.2 % of pre-war production
= 2 % of total production of 1930
to the end of war .

During the war it was

ca. 80.000 t = 8.9% of warproduction
= 7.4% of total production
of 1930 until end of war.

Accordingly of this total production 1930-end of war the Dynamit A.G. produced

ca. 102.000 t = 9.4%.

In talking of military explosives it is doubtlessly justified, in deviation from above chart, to understand not only pure explosives, but to consider explosives production also the mixing with ingredients like Ammonium nitrate and the like, as well as the filling of ammunition. In such a computation the same view is applied as was always used in civil explosives. Besides it makes sense for the reason that the figures computed this way give a direct measurement of ammunition production.

This results in the following chart:

(page - 4 - of original)

Total t	DAG and subsidiaries with majority parti- cipation	Montan and other Reichs- installations.	Others
------------	--	---	--------

before 1936 there were hardly any filling
plants in operation

1936 6.500	-	3.300 to=50.8%	3.200 to=
1937 14.700	-	9.200 to=62.6%	5.500 to=
1938 28.600	-	20.100 to=70.2%	8.500 to=
1939 77.000	1.000 to = 1.3%	58.000 to=75.3%	18.000 to=
1940 154.000	1.000 to = 0.6%	115.000 to=70.1%	48.000 to=
1941 240.000	1.000 to = 0.4%	172.000 to=71.7%	67.000 to=
1942 256.000	1.000 to = 0.4%	195.000 to=76.2%	60.000 to=
1943 390.000	1.000 to = 0.3%	300.000 to=76.9%	89.000 to=
1944 378.000	1.000 to = 0.3%	279.000 to=74.8%	99.000 to=

See also picture below on page 6

By addition the following results from the chart:

Total filling capacity
before the war: ca. 85.000 t = 5% of Total filling ca-
pacity from 1930 un-
til end of war.

Total filling capacity during
war: ca. 1.615.000 t=95% of the total
filling capacity
from 1930 until en-
d of war

Total filling capacity
from 1930 until end of war ca. 1.700.000 t = 100%

The total filling capacity of Dynamit A.G. and its subsidia-
ries amounted before the war:

0 t = 0 % of the pre-war filling capacity
= 0 % of total filling capacity from 1930 until
end of war.

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During the war it was

ca 6000 t = 0.37% of total filling capacity
during the war
= 0.35% of total filling capacity
from 1930 till end of war.

According to total filling capacity of Dyncnit A.G.
from 1930 until end of war was

ca. 6.000 t = 0.35% .

Troisdorf, 19.12.1947

Sig. Heinrich SCHINDLER

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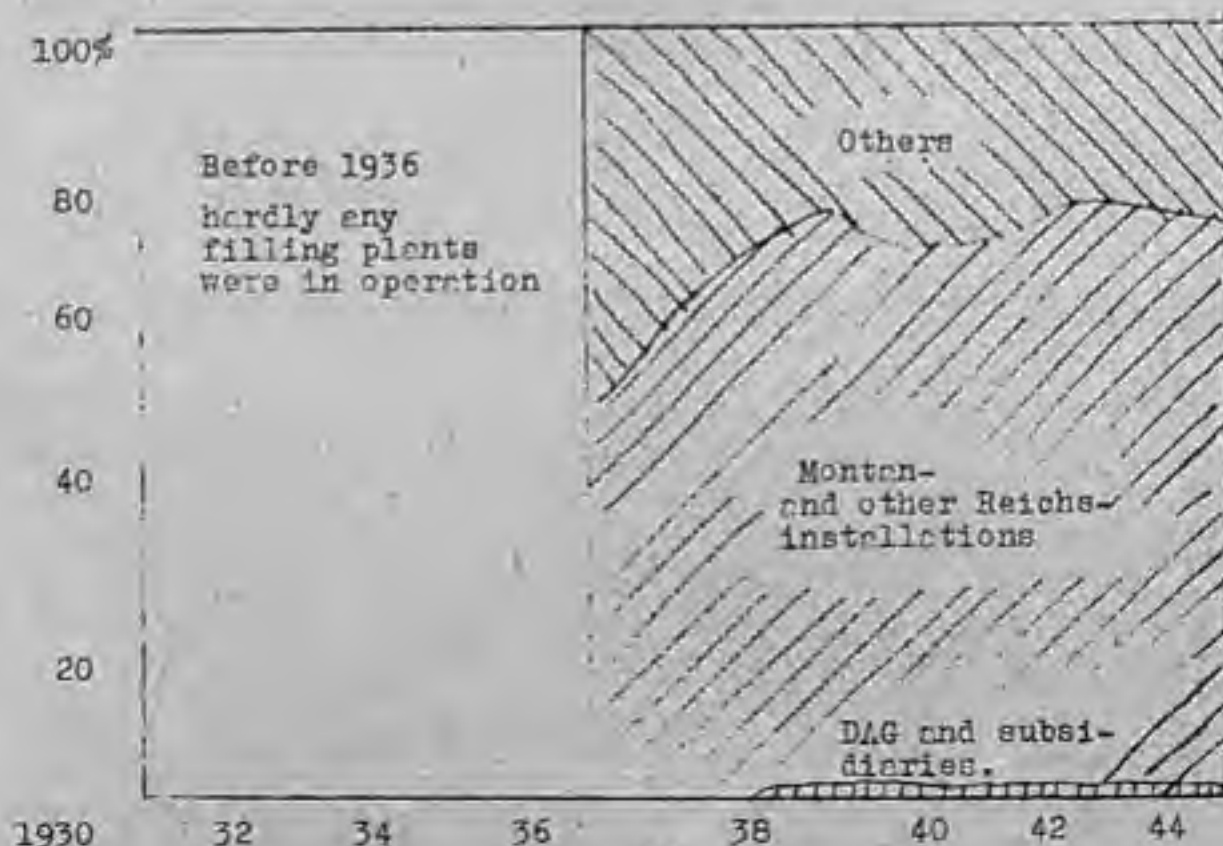
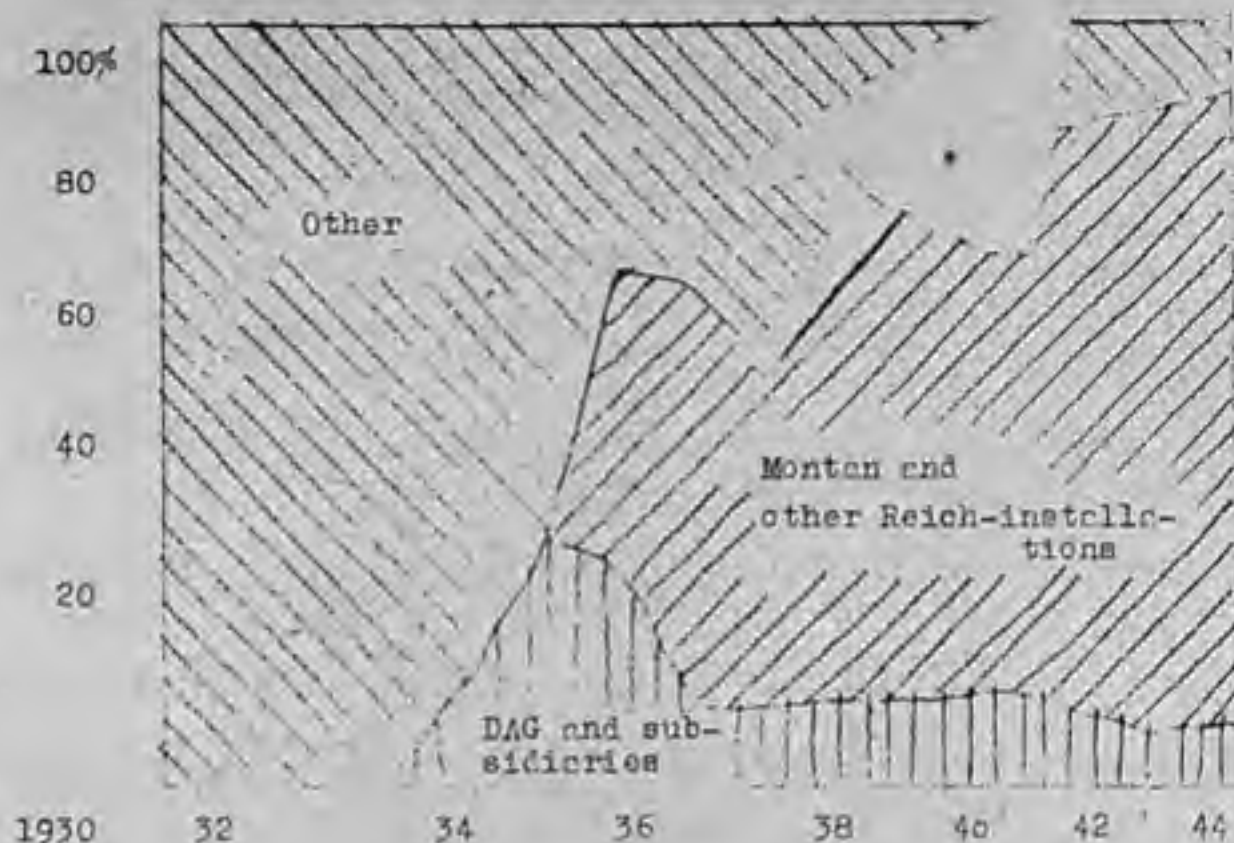
The above signature of Dipl.Ing.Heinrich SCHINDLER,
residing Troisdorf, Kaiserstr. 1, executed before me, is,
herewith, certified.

Siegburg, 19. December 1947

Sig. HARTMANN
Notary Public

Dr. Max HARTMANN
Notary in Siegburg
(stamp)

(page - 6 - of original)



AFFIDAVIT.

I, Heinrich SCHINDLER, residing at Troisdorf, Kaiserstrasse 1, was duly warned that I make myself liable to punishment by rendering a false affidavit. I declare in lieu of oath that the following statements are true to the best of my knowledge and belief and were made to be presented in evidence before the American Military Tribunal in Nuernberg (Case 6).

I started service with the Rheinisch-Westfaelische Sprengstoff-Actien-Gesellschaft on 1.4.1930 as a Chief-Engineer. In 1931 the company combined with Dynamit-Actien-Gesellschaft, former ^{by} Alfred Nobel & Co. (DAG). At the time of fusion I was taken over in the same position by the DAG. Beginning 1937 I received the title Director.

To-day I am still working as Chief-Engineer. On the basis of material with which I became acquainted officially, I am in the position to express myself in regard to the development of powder production.

In the following I submit a survey on the total production of military powder in Germany from 1930 to 1944. Besides are listed the Dynamit A.G. and its subsidiaries with majority participation, the Montan- and other installations belonging to the Reich and other production plants. (Blackpowder has not been included in this survey, because the documents for it were not accessible. Besides in quantity blackpowder plays only an insignificant part, compared to the other powders).

(page - 2 - of original)

	Total to	DAG and suboi- diaries with majority parti- cipation inclu- sive plant Rottweil of the I.G.	Monten and other Reich- installations	Others
1930	4.200	-	-	4.200 to=100%
1931	5.760	-	-	5.760 to=100%
1932	7.200	-	-	7.200 to=100%
1933	12.770	170 to=1.3%	-	12.600 to=98.7
1934	12.840	240 to=1.9%	-	12.600 to=98.1
1935	13.320	3.780 to=28.6%	-	9.540 to=71.4
1936	25.600	6.900 to=26.9%	4.100 to=16.0%	14.600 to=57.1
1937	35.100	7.900 to=22.5%	10.400 to=34.8%	16.800 to=42.7
1938	42.600	9.300 to=21.7%	16.500 to=38.8%	16.800 to=39.5
1939	64.040	11.000 to=17.2%	33.600 to=52.4%	19.440 to=30.4
1940	80.640	12.300 to=15.3%	48.900 to=60.4%	19.440 to=24.3
1941	107.340	13.600 to=12.7%	74.300 to=69.5%	19.440 to=17.8
1942	150.240	14.600 to= 9.7%	112.600 to=75.1%	23.040 to=15.2
1943	221.700	15.600 to= 7.2%	182.200 to=82.7%	23.900 to=10.1
1944	235.300	15.600 to= 6.6%	197.000 to=83.7%	22.700 to= 9.7

See also picture on page 4 .

The following can be deduced from the chart:

Total production before
the war: cc. 190.000 t = 18.3% of the productio.
from 1930 until end of
war

Total production during
the war: cc. 850.000 t= 81.7% of production from
1930 until end of war

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Total production from
1930 until end of war ca. 1.040.000 t = 100% .

The production of Dynamit A.G. and its subsidiaries
amounted before the war to

ca. 32.000 t = 16.8% of prewarproduction
= 3.1% of total production.

During the war it was

ca. 80.000 t = 9.4% of war production
= 7.7% of total production
from 1930 until end of war.

Accordingly the Dynamit A.G. produced from the
total powder production of 1930 until end of war:

ca. 112.000 t = 10.8%

Troisdorf, 19.12.47

Sig. Heinrich SCHINDLER.

Doc.Roll 1206/47.

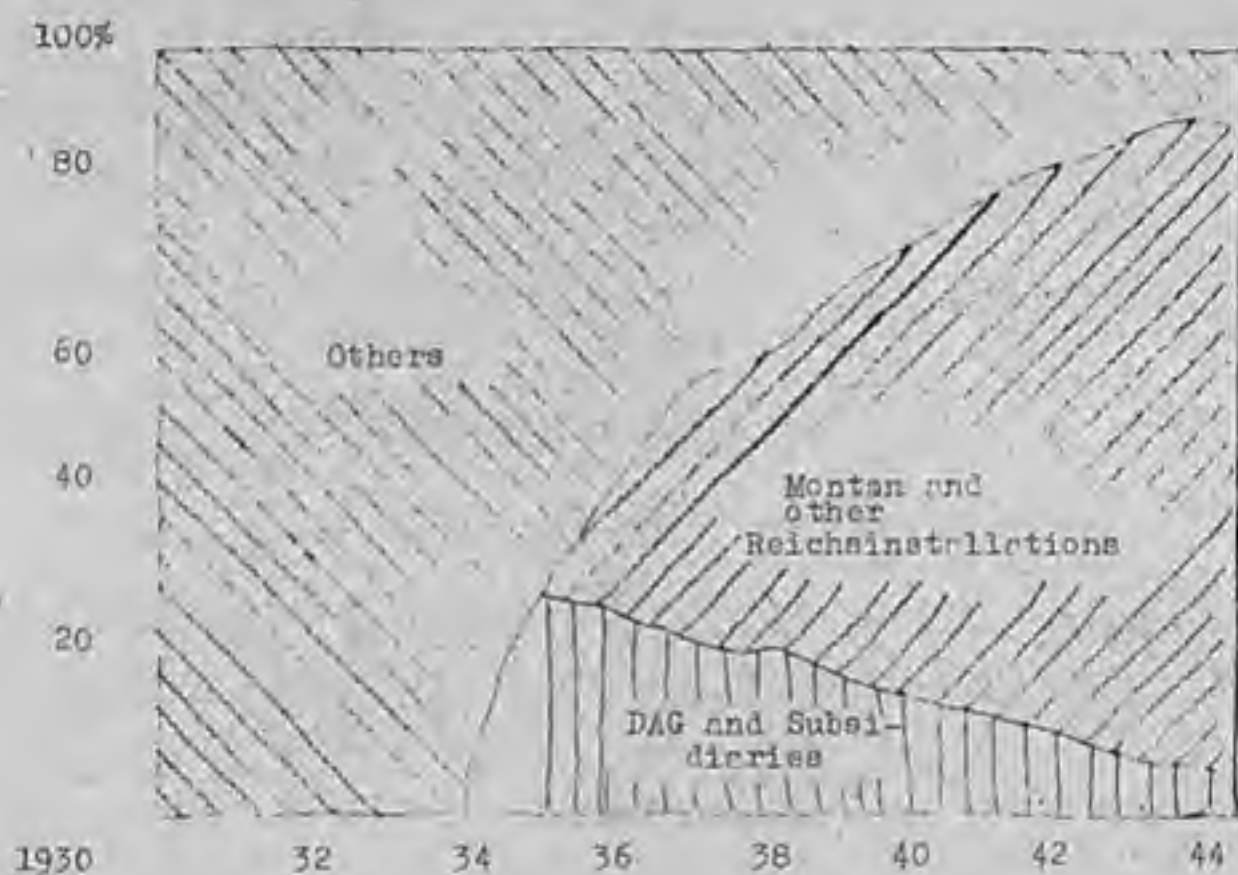
The above signature of Dipl. Ing. Heinrich SCHINDLER,
residing at Troisdorf, Kaiserstr. 1, executed before
me, is, herewith, certified.

Siegburg, 19. December 1947

Sig. HARTMANN

Notary Public

(page - 4 - of original)



AFFIDAVIT.

I, Dr. Walther SCHNURR, residing at 1 Kaiserstrasse in Troisdorf, have been duly warned that I will render myself liable to punishment if I give a false affidavit. I herewith declare in lieu of oath that the following statement is true to the best of my knowledge and belief and was made in order to be submitted as evidence to the American Military Tribunal (Case 6) in Nuernberg.

On 1 September 1936 I entered the service of the Dynanit-Aktien-Gesellschaft, formerly Alfred Nobel & Co., (DAG) as a chemist and was assigned to development work in the field of explosives. Following my appointment to Director in 1942 I have been working without interruption for the Dynanit A.G. up to this day, in which capacity I worked after the war in the field of synthetic products and its basic components. During the time I devoted my activities to explosives I have gained a thorough knowledge of the development of the processes for the manufacture of hexogene and nitroguanidin and their technical improvement and, owing to this fact, I am in the position to give an opinion about many questions connected therewith.

Statement about the German production of hexogene and nitroguanidin in general and the participation of the industry in particular.

Already many years prior to the outbreak of the war 1939-1945 it was expressed in the international trade literature that, in case of possible hostilities, new high-explosives on the basis of hexogene, in addition to trinitrotoluol, the explosive used during the world war 1914-1918, would play an important and perhaps a decisive role, and components of a new kind, especially nitroguanidin, were also under discussion for the manufacture of powder. At least Italy and Sweden were already at an early date in the possession of hexogene installations of considerable size and England, among other countries, engaged in the development of nitroguanidin already before the war. The reports of the trade literature, which naturally were lagging behind the developments, were completely clear to the expert long before, namely: without huge quantities of hexogene and nitroguanidin the defense of the country was no longer conceivable.

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Large quantities of these products would have had to be stored for any kind of war, especially for a war of aggression. In the following it is to be examined, by quoting the production statistics, as to what was done in this field in Germany and which part the industry took in the manufacture of these products.

For this purpose a tabular survey is given on page 8 (of the original) showing the production figures of the experimental installations and factories during the period from 1937 till 1944. It is stated there whether it concerns a DAG- or a Reich owned plant and a computation is made as to the allotment for each year as well as for the total German production.

The statistic begins with 1937 during which year a small experimental manufacture according to the U-process was started in the Wolfgang installation. The quantities produced in Germany in 1936 and even during previous years

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were so small that they are not important for the statistic. The first day of September 1939 was chosen as deadline for the distinction between a pre war- and a war production.

c). Quantities on hand up to the outbreak of the war and war production.

The total quantity of hexogene production up to the outbreak of the war amounted to 700 tons. If one wants to estimate the significance this quantity had on the conduct of the war, one can compare it first with the quantity which was actually produced in Germany during the war, or one compares it with the quantity for which later on production capacities had actually been established, or one compares it with the quantity which the German General Staff demanded as absolutely necessary for the conduct of the war.

During the period from 1 September 1939 till the end of 1944 79.709 tons were produced in Germany. The German pre-war production of 700 tons amounts to less than 1% of the German war production.

The German war production has not reached by far the level which, on the basis of the available hexogene capacities, would be computed; especially towards the end of the war the factories, due to lack of raw material were operating only at a fraction of their capacities. Any limitations owing to lack of raw material did not exist prior to the war. Measured on the quantity of about 150.000 tons, which the German hexogene factories ought to have produced during the war on the basis of their capacities,

(page - 4 - of original)

the German pre war production with even less than 0.5% of the just stated possible production assumes a still more modest aspect.

The German General Staff, during the war, demanded the establishment of capacities for an annual production of 100,000 tons and the construction of Reich-owned plants, capable of such a production capacity, had actually been started. The American capacities are said to have been considerably greater. As measured on these figures the German quantities on hand appear to be downright insignificant.

If one realizes the fact that, of the 700 tons of hexogene which were produced in Germany up to the outbreak of the war, considerable quantities were used for experimental purposes, so that, if any stockpiles existed at all, they only amounted to a few hundred tons, one comes to the result that perhaps a supply sufficient for 1 or 2 days of war was on hand. Therefore one cannot speak of an accumulation of supplies intended for a war of aggression. (See draft on page 9 of the original).

b). If one puts up the question as to the available capacities at the beginning of the war and later on, the result will be as follows:

The monthly production capacity on 1 September 1939 amounted to 150 tons, an additional 150 tons could be expected in a few months. The maximum capacity during the war amounted to approximately 4000 tons per month.

Up to the beginning of the war one had not yet selected for 90% of this capacity the sites on which the factories were to be constructed in spite of the fact that the basic requirements for the process were clear in technical respect.

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c.) Percentages of hexogene production divided between the DAG and factories owned by the Reich.

The German total production, as it is evident from the table, amounted to 80.409 tons. The share of the factories owned by the Reich amounted to 69.872 equivalent to 86.9% of the production, while the production of the DAG factories amounted to 13.1%. In this connection it is to be mentioned that these so-called DAG plants were experimental plants constructed on orders of the state which in the last analysis were financed by the state, since guarantee agreements had been concluded for the acceptance of production which provided for the computation of all expenses. It can be established that the managements of both the I.G. and the DAG had fully refused the erection of actual plants for the production of this war material and had left this matter completely to the state agencies. The experimental plants were abandoned as soon as possible. In accordance with that the share of the DAG in annual production was constantly decreasing and amounted in 1944 to only 1.7% of the total production.

The result of the examination can be summed up as follows:

- 1.) The German pre war production of high-explosive hexogene, recognized as indispensable for the conduct of the war, was so insignificant that it would have been sufficient only for a few days of war.
- 2.) The pre-war capacity amounted to only 3.75% of the maximum capacity attained during the war and less than 2% of the capacity.

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which was requested in the course of the war and for which the construction had actually been started.

- 3.) The industry confined itself to carry out the experimental tasks which were requested and financed by the state. It abandoned the experimental plants as soon as it seemed appropriate. It always refused a large scale production of hexogene on its own resources in spite of the fact that this would have been simple and profitable.
- 4.) The total share of the DAG on the German hexogene production amounted to 13.1%, the percentage in annual production was constantly decreasing and declined to 1.7% in 1944. For 1945 the complete shutdown even of the last DAG plant was contemplated.

The situation pertaining to the powder component nitroguanidin was similar and partly even more outspoken than that pertaining to the explosive hexogene. Although the manufacturing process to be used in the manufacture of this very product in principle was internationally known long before the war, neither considerable supplies nor in any way noteworthy capacities were existent in Germany at the beginning of the war. Neither did Germany, at the outbreak of the war, possess any noteworthy supplies of nitroguanidin. As compared with the quantities which later were needed, the available supplies would have hardly been sufficient for the requirements of one day. The capacity amounted perhaps to 1% of that later attained. With regard to the powder component nitroguanidin too, the I.G. Farben have strictly refrained from accepting any large scale orders for the manufacture in its own plants in spite of the fact that, according to the industrial police, nitroguanidin in its manufacturing process must not be regarded as an explosive product, that the manufacture of this product would have well fitted into the operations of the own plants from the technical point of view and undoubtedly would have shown large profits. Everything exceeding the frame of experimental production was left by the I.G. to the state agencies which in the course of the war had built capacities in Reich-owned plants amounting to 2500 tons per month.

signed: Dr. Walther SCHNURR

Survey of the German hexogene production from 1937 till 1944

		1937	38	39	40	41	42	43	44	Total Production	
Wolfg.	} <u>DAG</u> ^x	77	41	-	-	-	-	-	-	118	} 10.537 tons
Ueckern.		-	-	973 ^{xx}	2177	2345	960	-	-	6455	
Kruennel		-	-	-	706	783	1043	1082	350	3964	
Bobingen	} <u>plants owned by the Reich</u>	-	-	-	740	1404	906	1840	2560	7470	} 69.872 tons
Elanitz		-	-	-	-	600	1600	2000	1600	5300	
Reinsd.		-	-	-	-	-	6482	6113	3461	1606	
Doerberitz	} <u>Reich</u>	-	-	-	-	-	6482	6113	3461	1606	} = 86,3%
Christians		-	-	-	-	-	6737	20923	12886	40546	
		77	41	973	3623	5132	17728	31958	20877	80409	

Production of the DAG 100% 100% 100% 69,5% 62,8% 11,3% 3,7% 1,7% 13,1%
 Plants owned by
 the Reich 0% 0% 0% 30,5% 37,2% 88,7% 96,3% 98,3% 86,9%

x Ordered and financed by the state by agreement of acceptance.
 xx Production from 1937 up to 1 Sept. 1939 amounted to 700 tons.
 xxx The above figures have been copied predominantly from available statistics. Gaps have been filled through estimate. The figures are likely to come close to the real figures.

signed: Dr. Walther SCHNURR.

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Graphic
representa-
tion
of the Ger-
man

hexogene
supplies at
the outbreak
of the war
in propor-
tion

to the pro-
duction
during the
war
and in pro-
portion to
the produc-
tion

requested by
the
General
Staff.

400 tons
of hexogene
on hand in
Germany at
the outbreak
of the war

80 000 tons
Actual German
hexogene produc-
tion during the
war

500 000 tons
requested by the
General Staff
over a period of
5 years of war

signed: Dr. Walther SCHNURR

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Document Register 4 for 1948.

The foregoing 3 signatures , executed in my presence by Dr. Walther SCHNURR, chemist , residing at 3 Kaiserstrasse in Troisdorf namely one signature at the end of an affidavit consisting of 7 pages , one signature for the tabular survey and one signature for the graphic representation is herewith certified.

Siegburg 2 January 1948

The Notary:

signed: HARTMANN

Dr. Max HARTMANN,
Notary in Siegburg.

(Stamp)

Affidavit.

I, Franz Anton Gierlichs, domiciled at Spieh near Troisdorf, Augustastrasse 15, being aware that I should render myself liable to punishment by giving a false affidavit, declare in lieu of oath that my statements are the truth to the best of my knowledge and belief and have been made in order to be submitted as an evidence to the American Military Tribunal (Case 6).

I have been employed since 1 July 1936 with the Dynamit -Aktien -Gesellschaft formerly Alred Nobel & Co. (DAG) as a jurist, being Prokurist of this corporation since 1940.

I was shown the affidavit of Dr. Otto Heilbrunn of 28 November 1947 (Prosecution Exhibit NI 12740.) To this I make the following statement:
To Subsection (2):

The list attached to the affidavit as enclosure B, which contains the surveys of the turn-over of the DAG during the years 1936-1942 as extracted from the balance sheets of the DAG, shows under the title "explosives B" also the turn-over of the DAG in military explosives. To these turn-over figures the following remarks must be made:

A very considerable part of the turn-over mentioned under "explosives B" refers to products, which were produced in the parts of the installations of the Deutsberg and Krusmuel factories in Reich ownership and in a research plant owned by the Reich.

The above mentioned parts of the Dueneberg and Krussel factories in Reich ownership were constructed by the DAG by order and at the expense of the Reich. Accordingly, they were transferred to the ownership of the Reich. The Reich entrusted the working of the finished installations to the DAG. The leasehold of these plants owned by the Reich was the DAG, instead of the "Gesellschaft m.b.H. zur Verwaltung chemischer Erzeugnisse", ^{simply} for the only reason that these plants had been constructed in a local connection with the Dueneberg and Krussel factories, which already existed at that time.

In the following survey the explosive B turn-over figures, as stated in the enclosure B of Dr. Heilbrunn's affidavit, are, according to the documents as can still be found in the book-keeping department, broken down into the turnover figures referring to the actual DAG factories on the one hand, and the turnover figures, referring to the "Plants in Reich ownership" of the Dueneberg and Krussel factories as well as the afore-mentioned research installation on the other hand:

	DAG factories	Plants in Reich ownership	Total as in enclosure B of Dr. Heilbrunn's affidavit
	RM	RM	RM
1935	19,199,445.-	--	19,199,445.-
1936	50,739,936.-	5,687,285.-	56,427,221.-
1937	61,310,186.-	12,683,008.-	73,993,194.-
1938	69,302,614.-	14,519,360.-	83,821,964.-
1939	90,303,214.-	16,950,624.-	107,254,838.-
1940	86,203,171.-	68,504,673.-	154,707,844.-
1941	95,632,677.-	85,291,531.-	178,914,208.-
1942	97,252,621.-	126,949,633.-	224,202,254.-
	569,933,864.-	330,466,304.-	900,420,168.-

It is true that regardless of this break-down the turn-over referring to the plants in Reich ownership remains a DAG turn-over.

On the other hand it appears that a very considerable part of the turn-over in military explosives stated as belonging to the DAG was since 1935 produced in plants owned by the Reich. The economic bearer of this production was therefore practically not the DAG, but rather the Reich. In this respect the position is practically identical with that in the so-called Montan-plants, which belonged to the Reich and were^{operated} worked by the "Gesellschaft m.b.H. zur Verwertung chemischer Erzeugnisse."

To Subsection (4):

In Enclosure D of Dr. Heilbrunn's affidavit the total profits from participations are, among other items, stated. To this it ought to be added that there were profits from participations also in the years 1935 and 1936. They amounted to:

RM 478,019	in 1935
RM 470,730	in 1936.

In this respect the statements contained in enclosure D, which do not show profits from participations for these years, are incorrect.

To Subsection (6):

The corporations of the so-called ammunition group, as mentioned therein, had - even during the war - partly a considerable production of goods for civilian requirements; a part of the corporations concerned were exclusively, or preponderantly dealing with the sale of such like products. Incidentally, the collective name of "ammunition group" for these (first and second degree) subsidiary companies of the DAG is very ancient. It refers to the fact that these companies

used to produce, and / or sell hunting and sporting goods and other hunting and sporting goods (e.g. leather goods). That name served the purpose of defining them as opposed to the subsidiary companies of the DAG which produced explosives on the one hand, and collaloid and synthetic products on the other hand.

To Subsection (7):

To this it must be said that the extracts attached as enclosure F do not show that the IG has also received the balance reports of the Gesellschaft mb.H. zur Verwertung chemischer Erzeugnisse ("Verwertchemie") for 1937. The enclosed excerpts from the accompanying letters of 8 October 1937 and 12 October 1938 have no discernible connection with the "Verwertchemie".

The balance sheet audit for the period after 1 January 1937 was, incidentally as is shown by the accountancy documents of that corporation, as a matter of fact done by the Chemie Revisions and Treuhandgesellschaft mb.H., Berlin, which performed the auditing of the balance sheets of the DAG and their subsidiaries up for the annual balance sheet after from 1937. Instead, it was done by the Deutsche Revisions- und Treuhand-Gesellschaft, Berlin, which had by the Reich agencies been entrusted with the balance sheet audits of such corporations as were working so-called Montan plants. This change of the auditing corporation practically coincides with the starting of the first Montan factory worked by the "Verwertchemie."

As far as I know, the reports referring to the balances of the "Verwert-
chemie" beginning from 1 January 1937, were not brought to the knowledge of
any I.G. agency.

Troisdorf, 19 December 1947.

(signed:) Franz Anton Gierlichs

Doc. Reg. 1199/47

I herewith certify the above signature, executed by the assessor Franz Anton
Gierlichs, domiciled at Spich near Troisdorf, Augustastrasse 15, before me,
Siegburg, 19 December 1947.

Dr. Max Hartmann

Notary at Siegburg

(signed:) Hartmann,

Notary

AFFIDAVIT.

I, Dr. of law Peter GRILLE, residing at Bonn, Sieben-
gebirgsstrasse 40, have been made aware of the fact
that I render myself liable to punishment by delivering
up a false affidavit.

I declare hereby in lieu of an oath, that the state-
ments made below, were made according to my best know-
ledge and belief in order to be offered to the American
Military Tribunal at Nuernberg (Case 6) as evidence.

On 1 November 1938 I joined the Dynamit-Actien-Gesell-
schaft (Dynamite A.G.) formerly Alfred Nobel & Co. as
Prokurist of the Gesellschaft mit beschränkter Haftung
zur Verwertung chemischer Erzeugnisse, Troisdorf (Limited
Liability Company for the utilisation of chemical pro-
ducts at Troisdorf). I received the title of Director
at the beginning of the year 1941.

I am also today still holding this position .

I am acquainted with the balances of this Gesellschaft
mit beschränkter Haftung zur Verwertung chemischer Er-
zeugnisse due to this activity of mine.

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Prosecution Document No. NI-10006 regarding net profit of this Gesellschaft mit beschränkter Haftung zur Verwertung chemischer Erzeugnisse, has been presented to me. My personal opinion in regard to this is as follows:

The mentioned amounts correspond to our statements made to Herr DEICHFISCHER. It should merely be mentioned in addition that the net profits of the Gesellschaft mit beschränkter Haftung zur Verwertung chemischer Erzeugnisse, which in themselves were already quite modest, were in reality not entirely real profits, for according to agreement with the Montan, the Gesellschaft mit beschränkter Haftung zur Verwertung chemischer Erzeugnisse was only debited with proportionate lump sums for the administrative work done in Troisdorf, which were in reality quite a considerable amount below the actual administrative costs of the Gesellschaft mit beschränkter Haftung zur Verwertung chemischer Erzeugnisse, so that if viewed economically there was still quite a considerable amount of the net profit consumed by the unpaid share of the costs of administration.

The profit for the year 1943/44 to the amount of RM. 16,571,043.93 seems to be disproportionately high. But it is to be considered that

(page - 3 - of original)

the final examination of prices by army agencies in ascertaining this profit had not yet taken place. The amount of profit has therefore to be viewed as only of a temporary nature and would probably have been scaled downward in correcting at the final examination of prices.

Troisdorf, 2 December 1947

signed: Dr. Peter GRILLE

Dr. Peter GRILLE

The above signature of Herr Doctor of Law Peter GRILLE, Bonn, has been executed today before me, Carl WEYER, deputy Defense Counsel before the American Military Tribunal at Nuernberg (Case 6), this is hereby certified and attested by me.

Troisdorf, 2 December 1947

signed: Carl WEYER

Carl WEYER

CERTIFICATE OF TRANSLATION.

15. January 19

We, Robert HOFFMANN, AGO-No. 20 162, Adolph LUSTHAUS, AGO-No. B. 398 010, Ludwig HEYMANN, AGO-No. 35 096, Fred SALOMON, AGO-No. A-446 622, Joseph E. GOESER, AGO.-No. B. 397 933, Mary FLACK PERRY, AGO.-No. 20 136, John B. ROBINSON, AGO.-No. X-046 350, hereby certify that we are duly appointed translators for the German and English languages and that the above is a true and correct translation of the Document Book I DAG.

Robert HOFFMANN

Adolph LUSTHAUS

Ludwig HEYMA

AGO.-No. 20 162

AGO.-No. B.398 010

AGO.-No.35 0

Fred SALOMON

Joseph E. GOESER

Mary Flac
PERRY

AGO.-No. A-446 622

AGO.-No. B 397 933

AGO-No.20

John B. ROBINSON

AGO.-No.X-046 350

Case 6
Defense

DYNAMIT-ARTFABRIKSGESellschaft

D A G (for all Defendants)

Document Book II

Vol. II

(Document 17 - 27
Pages 1 - 74)

Presented by
Defense Counsel

Dr. Rudolf Dix

Long



INDEX OF THE DOCUMENT BOOK II

Document 17 - 27 Pages 1 - 74

<u>D.G. No. Edh. No.</u>	<u>Description of the document</u>	<u>Page</u>
17	Affidavit made on 19 December 1947 by Edmund Ritter von Herz, co-inventor of the tetrazine fuse assembly and former chief of the D.G. laboratory in Cologne-Dellbrueck, on the reasons why the Remington Arms Company, Delaware/USA (Remington) could not supply any tetrazine service ammunition to the British Empire. The witness, who conducted licensing negotiations with the foreign companies taking part, on behalf of the Vorstand of the Rheinisch-Westfälischen Sprengstoff-Fabrik-Gesellschaft (RWS) or D.G., and played a major part in their implementation, stated in conclusion: "The above reveals that the exclusion of Remington from the British Empire markets for tetrazine service ammunition originated in a request from ICI, to which D.G. acceded."	1
18	Contract between RWS and Remington dated 14 November 1929 (presented by the Prosecution as Document NI-10969, Prosecution Exhibit No.1011).	5
19	Contract between D.G., successor to RWS, and Remington, dated 1 January 1934. (Presented by the Prosecution as Document NI-10970, Prosecution Exhibit No.1012).	22

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D/G No. Exh. No.	Description of the document	Page
20	Contract, dated 10 March 1930, between the RWS and Hans Rathsburg and Edmund von Herz on the one hand and Imperial Chemical Industries Limited, London, (ICI) on the other hand, on a license agreement on certain tetrazine service ammunition patents protected for RWS.	33
21	Copy of a contract between the RWS and Canadian Industries Limited, dated 1 December 1939, on the acquisition of the Canadian patent rights for tetrazine fuse assembly held by RWS.	47
22	Affidavit made on 3 December 1947 by Franz Anton Gierlich, Prokurist of the D/G, on the export inter alia to future enemy countries of military gunpowder and explosives through the Kohn Sottwoil & Co. as a mutual sales company of the D/G and the Messing in the immediate pre-war years 1937 - 1939.	54
23	Affidavit made on 19 December 1947 by Edmund Ritter von Herz, former Chief of the D/G laboratory in Cologne-Dellbrück on the licensing of a process developed by D/G for riveting in places accessible from one side only, particularly in aeroplane construction, to the firm of E.I. DuPont de Nemours and Co. Wilmington, Delaware, or their subsidiary company in 1939. The negotiations were completed, after the outbreak of war in Europe, although "the process was of the greatest importance for the German Air Force, especially in time of war."	58

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D.G. No.	Exh. No.	Description of the document	Page
24		Affidavit made on 3 December 1947 by Heinrich Schindler, Chief Engineer of the D.G, on the letter written on 9 December 1935 by Dr. Paul Mueller (D.G) to Dr. Kraenzlein (IG Hoechst), Document No. NI-6498, Prosecution Exhibit No. 111.	61
25		Affidavit made on 3 December 1947 by Franz Anton Gierliche, Prokurist of the D.G, on the letter written on 30 April 1940 by Dr. Paul Mueller (DAG) to Director Ludwigs (IG Frankfurt) Document No. NI-6345, Prosecution Exhibit No. 327.	65
26		Affidavit made on 3 December 1947 by Heinrich Schindler, Chief Engineer of the D.G, on the affidavit made by Dr. Struss on 30 August 1947, Document No. NI-9487, Prosecution Exhibit No. 391, in so far as it deals with the Special Committee for Acids mentioned therein.	68
27		Affidavit made on 19 December 1947 by Heinrich Schindler, Chief Engineer of the D.G, on Documents No. NI-10033, Prosecution Exhibit No. 44, No. NI-10034, Prosecution Exhibit No. 45 and NI-10030, Prosecution Exhibit No. 48. The witness made corrections in the three Prosecution Documents.	71

Affidavit

I, Edmund Ritter von Herz, domiciled at Cologne-Dellbrueck, Walthorstrasse 80, am aware that I shall be liable to punishment if I make a false affidavit. I herewith affirm under oath that the following statements are true to the best of my knowledge and belief and that they were made in order to be submitted as evidence to the American Military Tribunal in Nuernberg (Case 6).

Until 12 March 1928 I worked on the terms of a co-worker with the Rheinisch-Westfaelische Sprengstoff-Aktion-Gesellschaft (RWS), which in 1931 was merged with the Dynamit-Aktion-Gesellschaft vormals Alfred Nobel & Co. (DAG). On 12 March 1928 I joined as an employee RWS and/or DAG and afterwards took charge of the laboratory, which was newly established by DAG at Cologne-Dellbrueck. On 31 March 1946 I resigned from DAG.

I am a co-inventor of the tetrazene fuse assembly (Zuendents) and took a decisive part in the negotiations with respect to the license contracts for this fuse assembly of RWS and/or DAG with the Remington Arms Company, Delaware/USA. (Remington), Imperial Chemical Industries Limited, London (ICI), Canadian Industries Limited, Montreal/Canada, (Canadian) and several other foreign firms. I was partly responsible for bringing about those negotiations on behalf of the Boards of the RWS and/or DAG. On account of my special knowledge and with the aid of my records I am therefore in a position to give the following explanation as to how the said contracts were brought into being and the reason for the agreement, by virtue of which, no military tetrazene ammunition was allowed to be delivered by Remington to the British Empire:

I should start by saying that the said contracts were concluded in the spirit of the friendly relations which the RWS and/or DAG entertained with Remington and ICI. It was primarily to meet the special wishes of the said companies that the contracts contained clauses stipulating that in regard to military tetracene ammunition Remington received the exclusive rights for the USA and ICI for the British Empire (with the exception of Canada).

The prohibition for Remington to supply military tetracene ammunition to the British Empire is contained in Par. III, section (d) of the RWS/Remington contract of 14 November 1929. The first sentence of this stipulation reads as follows:

"Remington shall not sell military ammunition containing any tetracene in Germany and in any or all of the countries comprising the British Empire."

The same is contained in Par. 21 of the RWS/ICI contract of 9 March 1931. This stipulation reads as follows:

"21.(a) The sale within or for export to the British Empire (other than Canada) of military ammunition is reserved exclusively for Imperial.

(b) Imperial may also sell military ammunition in all parts of the world outside the British Empire (with the exception of Germany and the United States of America) but selling rights in such territories are shared by them with R.W.S. and the Remington Company."

The RWS/ICI contract was concluded only on 9 March 1931, that is, later than the RWS/Remington contract of 14 November 1929. Nevertheless, in view of the negotiations I had already opened with ICI during the summer of 1928 RWS was obliged to make provision for an agreement in the contract with Remington, such as was laid down in Par. III, section (d), since ICI had specially reserved to itself the exclusive production and selling rights of military tetracene ammunition in Great Britain and the

British Empire (with the exception of Canada). These negotiations concerning the agreement between RMS and ICI, as well as the negotiations between Remington and ICI are referred to in the RMS/Remington agreement of 14 November 1929 under Par. III, section (b). Section 1 of this regulation reads as follows:

"RMS is now negotiating with Imperial Chemical Industries, Ltd., relative to rights under tetracone patents for Great Britain and certain of the countries comprising the British Empire, including Ireland. Remington is also negotiating with Imperial Chemical Industries, Ltd., for a license to import into and sell non-military ammunition in Great Britain and Ireland contingent upon the acquisition by Imperial Chemical Industries, Ltd., of said rights from RMS. The license rights which Remington is to enjoy in Great Britain and Ireland are to be determined by the said agreements which are now being negotiated."

From this it follows that from the very beginning the delivery of military tetracone ammunition to Great Britain and Ireland was not at all the subject of negotiations between Remington and ICI.

Also the correspondence exchanged at that time between RMS and ICI shows that if Remington was excluded from making deliveries of military tetracone ammunition to the British Empire it was in accordance with the wishes of ICI. This is borne out by Mr. Laing's letter of 1 November 1928 to Dr. Paul Muller, the deceased General Director of RMS or DAG.:

"As regards the territory in which we have the manufacturing and selling rights for military purposes, we understand that we have the exclusive right for Great Britain and the British Empire."

In Mr. Laing's letter of 28 November 1929 addressed to me, it says:

"Are we to understand that the Remington Company have the right to sell military ammunition all over the world excepting the British Empire apart from an emergency? We would recall that Dr. Muller's own idea at one time was that he would not welcome them, for example, on the Continent of Europe."

To which I replied on 10 December 1929 as follows:

"It is absolutely correct that Herr Dr. Mueller was at first against Remington's activity in the European market, but later developments showed that it would not have been possible to maintain this point of view without serious repercussions on the markets elsewhere and without danger to the development of the new fuse assemblies. After all, it would have been senseless to penalize Remington by excluding them from the European markets by an agreement because they had taken over these new fuse assemblies, while allowing other American firms a completely free hand, which they would have used to the disadvantage of Remington, without your company or RWS having even the slightest profit from such an agreement. On the basis of these considerations we were unable to bind Remington in this respect, and I have no doubt that you too will appreciate this point of view. In the interest of your firm, only the British Empire has been excluded from the right to supply this military ammunition freely."

It may be seen from the above that Remington was excluded from the markets of the British Empire in regard to military tetrazene ammunition at the request of the ICI and DAG complied with this request. This stipulation did not affect DAG since this company had abandoned the export of military tetrazene ammunition to the British Empire, and its own position in the export trade was not improved by Remington's exclusion.

Cologne-Dellbrueck, 19 December 1947.

signed: EDMUND VON HERZ
(Edmund von Herz)

U.R. 1196/47.

I herewith certify that the above is the signature of Edmund Ritter von Herz, domiciled at Cologne-Dellbrueck, Waltherstrasse 80, and was made in my presence.

Siegburg, 19 December 1947.

Dr. Max Hartmann
Notary at Siegburg
(Rubber Stamp)

signed: Hartmann
Notary

This agreement, made this 14th day of November 1929, by and between the Rheinisch-Westfälische Sprengstoff A.G., a corporation of Germany, having its executive office in the city of Cologne, Germany, hereinafter referred to as "RWS", and the Remington Arms Company, Incorporated, a corporation of the State of Delaware, United States of America, having its executive office in the city of New York, State of New York, hereinafter referred to as "Remington",

Witnesseth as follows :

Whereas RWS is now the owner of certain inventions and the United States and Foreign Letters Patent and applications for Letters Patent therefore, relating to a chemical class of substances known as Tetraenes, particularly to the use of tetraenes in priming compositions, which patents and applications are as follows :

US Letters Patent (Patentschriften) No. 1,566,380, dated

May 25, 1926, inventor Hans Rathburg, for which reissue

application Ser. No. 400,723 was filed on October 18, 1929.

France	573,107	granted	5 March 1924
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Brazil	15,409	granted	4 May 1926
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Spain	87,155	applied for November, 1923	
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Switzerland			
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D.G.-No. 18

Exh. No.

Sweden 59,611 applied for October 17, 1923

Russia Application No. 13, 167

U.S. Application Ser. No. 352,893, filed May 9, 1929.

Inventors, Hans Rathburg and Edmund von Herz,
Corresponding thereto the following foreign applications :

Italy	101,131	Apr. 16, 1929
Belgium	283,859	Apr. 27, 1929
Denmark	857	Apr. 17, 1929
Norway	42,551	Apr. 5, 1929
France	272,286	Mar. 20, 1929
Spain	112,629	Apr. 23, 1929
Switzerland	54,621	Apr. 25, 1929
Holland	45,991	Apr. 22, 1929
Sweden	1,826	Apr. 6, 1929
India	15,672	Apr. 22, 1929
South Africa	583	Apr. 24, 1929
Germany	R 72,425 (in ISI- Contract R 74 425)	Apr. 27, 1928

Austria

Japan

and the following foreign patents corresponding thereto:

Brazil	No. 6,656	granted	Apr. 27, 1929
Mexico	30,329		Apr. 23, 1929
Hungary	6,135		Apr. 22, 1929
Australia	19,521		Apr. 16, 1929
Argentina	39,220		May 7, 1929
Chile	288		Apr. 26, 1929
Poland			Apr. 24, 1929

U. S. Application Ser. No. 400, 738, filed October 18, 1929,
Inventor, Edmund von Herz.

And, whereas, Remington desires to acquire the said United States Letters Patent No. 1,586,390 together with the Reissue Application Ser. No. 400,723 and any Reissue Letters Patent to be granted therefore, the said United States Applications Ser. No. 352,893 and No. 400,738, and any and all United States Letters Patent which may hereafter be issued to, owned or controlled by the R.W.S. and/or its employees and which relate to the manufacture of tetracene, and/or the use of tetracene as priming materials in ammunition, and to acquire non-exclusive licenses to sell under the above-mentioned Foreign patents and applications and any future Foreign patents and/or applications (Except Great Britain, Ireland and Canada) which may hereafter be issued to, owned or controlled by the R.W.S. and/or its employees and relate to the manufacture of tetracene and/or the use of tetracene as priming materials in ammunition.

Now, therefore, in consideration of the sum of \$ 25,000.—, paid by Remington to R.W.S., the receipt of which is hereby acknowledged (of which \$ 5,000.— were paid by Remington to R.W.S. on or about April 1, 1929), and in consideration of the mutual promises hereinafter given, it is hereby agreed between the parties as follows :

I. R.W.S. represents as a material averment that it has such title to the above-mentioned inventions, patents and applications as to enable it to make this agreement.

II. R.W.S. hereby assigns and transfers to Remington the whole right, title and interest in and to the United States Letters Patent, No. 1,586,380, together with the Reissue Application Ser. No. 400,723, and any reissue letters patent to be granted therefore, as well as said applications Ser. No. 352,893 and Ser. No. 400,738, and any and all United States Applications for Letters Patent relating to any invention or improvement in the manufacture of tetracenes and/or in priming materials and mixtures, comprising any of the chemical class of substances known as tetracenes which may now be, or may in the future be owned or controlled by R.W.S. and/or its employees.

Remington agrees, that if it should be found that any tetracene covered by any present or future United States Patent coming within the terms of this agreement should be capable of use in any way other than as an ingredient in a priming material for ammunition, it will upon demand grant to R.W.S. or its nominee a free exclusive license for such other purpose under any United States Patent assigned to Remington under the provisions of this contract, it being understood further, that if such patent relates to the

manufacture of such a tetracene, Remington agrees to grant to R.W.S. or its nominees a free, non-exclusive license to manufacture under such United States Patent, but only for use other than as an ingredient in a priming material for ammunition.

III. R.W.S. hereby grants to Remington non-exclusive licenses to sell under any of the above-mentioned Foreign Patents and/or applications and any and all Foreign Patents and/or applications relating to any invention or improvement in priming materials and mixtures, comprising any of the chemical class of substances known as tetracene, which may now be or may in the future be issued to, owned or controlled by R.W.S. and/or its employees, with the following conditions to which Remington agrees :

(a) Remington shall not sell non-military ammunition containing any tetracene in Germany in excess of a value of \$ 2,000.— in any one year, all sales through Gustav Genschow & Co. not being taken into consideration in computing this \$ 2,000.— maximum.

(b) R.W.S. is now negotiating with Imperial Chemical Industries Ltd., relative to rights under tetracene patents for Great Britain and certain of the countries comprising the British Empire, including Ireland. Remington is also negotiating with Imperial Chemical Industries, Ltd, for

a license to import into and sell non-military ammunition in Great Britain and Ireland contingent upon the acquisition by Imperial Chemical Industries, Ltd., of said rights from R.W.S. The license rights which Remington is to enjoy in Great Britain and Ireland are to be determined by the said agreements which are now being negotiated.

Should the negotiations between R.W.S. and the Imperial Chemical Industries Ltd. not lead to an agreement within one year from the date of this agreement, then R.W.S. agrees to grant to Remington non-exclusive licenses to sell non-military ammunition in Great Britain and Ireland under the same conditions as are provided for herein in respect of the other foreign patents and applications.

(c.) R.W.S. states that it has made an agreement with Canadian Industries Ltd. under which it has granted to Canadian Industries, Ltd., exclusive rights for the manufacture and sale in Canada of ammunition under its Canadian tetracene patents and applications either filed or to be filed, and that such agreement empowers Canadian Industries, Ltd., to grant a license or sub-license to Remington to export to and sell in Canada ammunition containing tetracene priming materials. The license rights which Remington is to enjoy in Canada are to be determined by agreement with Canadian Industries, Ltd.

(d.) Remington shall not sell military ammunition containing any tetracene in Germany and in any or all of the countries comprising the British Empire.

(The term "military ammunition" as used herein is defined as ammunition adapted and intended for use in warfare and shall not include ammunition adapted and intended solely for sporting purposes or target practice which is herein referred to as "non-military ammunition". The term "primer" as used in this agreement is defined as any device or instrumentality operating upon receiving a blow and serving to cause the ignition of an explosive charge, which charge may be either the charge for propelling a projectile or a charge carried in a projectile and intended to cause bursting of the projectile, but is understood not to include "detonators" viz., devices or instrumentalities the action of which is initiated by heat and which is used to explode an explosive charge which may or may not be carried in a projectile. "Priming materials" is defined as the explosive composition of matter used in "primers" as above defined.)

IV. R.W.S. agrees to give its signature and to secure the signature of any of its employees to any additional papers which may be necessary to give full effect to Section II and III of this agreement.

V. It is understood that R.W.S. is the owner of certain patents covering lead-styphnate (tri-nitroresorcinate of lead) in certain countries of Europe, with the exception of England and

France. R.W. S. hereby grants to Remington a non-exclusive license to sell ammunition containing lead-styphnate in any and all such European countries, with the exception of England and France.

VI. R.W.S. agrees to give Remington full information concerning the manufacture of tetracenes and the utilization of tetracenes in primers for ammunition and agrees to make available the services and assistance of its employees and experts insofar as this may be necessary in connection with litigation involving any of the patents or inventions covered by this agreement, such assistance and service to be at the expense of Remington.

VII. Remington agrees to pay to R.W.S. in addition to the above-mentioned sum of twenty-five thousand dollars (\$25,000.—) further payments in accordance with the following provisions :

(1) The royalty on non-military ammunition covered by any United States Patent, Reissue Patent /pplication or Reissue /pplication shall be as follows :

(1) One per cent of the sum received by Remington from its customers for ammunition primed with a mixture containing any tetracene covered by any United States Patent or Reissue Patent herein involved. Where primers or caps are sold alone the royalty shall also be one percent, but it is understood that, if the tetracene primers and caps sold separately by Remington in any one year have a sales value of more than 150 % of Remington's average sales of primers and caps for the years 1926, 1927, and 1928, then a royalty of 10 per cent shall apply to the excess sales.

The royalty payable on empty shells, paper or metal, primed with tetracene primers is one per cent but if the sales by Remington of tetracene primed empty shells in any one year shall exceed 150 % of Remington average sales of empty primed shells in the years 1926, 1927 and 1928, then a royalty of 2 % shall apply to the excess sales.

When the royalties computed in accordance with this paragraph (1) have reached the amount of \$ 30,000.— in any calendar year, the royalty rate applying to the excess above \$ 30,000.— shall be reduced to 1/3 of the rate provided in this paragraph (1), but in no event is the royalty provided for herein to exceed \$ 50,000.— in any calendar year.

- (2) In case the ammunition is primed with a mixture containing any tetracene which is not covered by any United States Patent or Reissue Patent herein involved but which is covered by one or more of the United States applications or Reissue Applications herein involved, then the royalty to be paid therefore will be 1/2 of the royalty provided for in paragraph (1) above. (The payment of royalty under US Patent No. 1586,380 now Reissue Application Ser. No. 400,723, will be governed by this paragraph (2) until it is reissued with claims broad enough to cover the tetracene primer mixtures then being used by Remington.)
- (3) Remington agrees that, if during the year 1931 the royalty shall not amount to the sum of \$ 5,000 and during the years 1932 - 1941 inclusive, the annual royalty shall not amount to \$ 10,000, R.W.S. shall have the right to cancel this agreement upon 60 days written notice. However, if during that 60 days, Remington shall pay the difference the notice of cancellation shall be regarded as ineffective.
- (4) The maximum total royalty to be paid by Remington to R.W.S. on non-military ammunition shall be \$ 300,000 and when this amount of royalty has been paid no additional payments shall be made on non-military ammunition, but it is understood that if the amount paid by Remington to R.W.S. in any one year is in excess of \$ 40, such excess shall not be taken into consideration in computing the \$ 300,000 maximum royalty.
- B) Of the above-mentioned twenty-five thousand dollars (\$ 25,000), preliminarily paid by Remington to R.W.S., the sum of Twelve thousand five hundred dollars (\$ 12,500) shall be regarded as a credit against which future royalties up to the amount of Twelve thousand five hundred dollars (\$ 12,500) shall be charged.

(C) If and while any other American manufacturer utilizes a tetracene in priming mixtures, which tetracene or priming mixture is covered by any United States patent or any claim of any United States patent involved in this agreement, without the license or approval of Remington, one-half only of the royalty due in accordance with this agreement for that particular patent or claim shall be payable by Remington, but only on condition that Remington shall file a suit against such manufacturer within six months after such use of tetracene by such other manufacturer is discovered by Remington and the payment of the said one-half royalty has begun. Such suit shall be at the expense of Remington and any damages recovered from the infringer shall be the property of Remington. If the patent is finally held infringed, Remington shall pay to R.W.S. the other half of the royalty which was withheld in accordance with this sub-section (C). If the patent or any claim thereof is held invalid, Remington will carry the case to the Circuit Court of Appeals. If R.W.S. desires that an application be made to the Supreme Court of the United States for a writ of certiorari, then R.W.S. will bear one-half of the expenses connected with the proceedings before that Court. If the infringer makes an application for a writ of certiorari, Remington shall bear all of the expenses. If the patent or claim is finally held invalid, then Remington need pay no more royalty under that particular patent or claim.

(D) In case no United States patents or applications covering the tetracene priming mixtures then used by Remington exist and the maximum royalty of \$ 300,000 on non-military ammunition has not yet been paid, then Remington shall pay to R.W.S. a royalty on non-

military ammunition sold under the non-exclusive licenses granted to it by R.W.S. in accordance with Section III of this agreement, where patents exist in that foreign country which cover the priming mixture sold, such royalty to be one-half of that provided for the United States patents in sub-section (A), paragraph (1) of this agreement.

(E) The royalty on military ammunition covered by any United States patent, Reissue Patent, Application or Reissue Application shall be the same as that provided for non-military ammunition, but it shall not be taken into consideration in connection with the minimum and maximum royalty provisions of this agreement.

(F) In computing the royalties payable by Remington under this agreement, the cost of special packing, bandoliers, clips, etc., shall be deducted from the sums received by Remington from its customers. At the request of R.W.S., Remington shall furnish R.W.S. with a full explanation of such deductions and if the parties are then unable to agree as to the propriety of such deductions they hereby agree to submit the question to arbitration, under the provisions of the Arbitration Laws of the State of New York.

VIII. Remington, as the owner of the United States patents, has the exclusive rights for the United States of America, but it hereby agrees that R.W.S. may import into the United States of America

during any calendar year tetradene ammunition having a value not in excess of 30% of the value of the total imports of ammunition into the United States from all sources during the preceding calendar year, and that the Imperial Chemical Industries, Ltd., or its subsidiary companies may import annually into the United States of America not more than 500,000 shotgun cartridges and 10,000 metallic cartridges containing priming material covered by any of the United States patents herein involved.

IX. Remington shall have the right to license other American manufacturers to manufacture, use and sell non-military ammunition under any of the United States patents or applications involved in this agreement, but only within the United States of America, its territories and possessions. One half of the royalties received by Remington from such other American manufacturers shall be paid by Remington to R.W. and one half of the amounts so paid by Remington to R.W.S. shall be taken into consideration in connection with the minimum and maximum royalty provisions of this agreement. Should the royalty charged any such other American manufacturer by Remington be less than one half the royalty chargeable to Remington by R.W.S. under Section VII, sub-section (A), paragraphs (1) and (2) of this agreement, then Remington shall pay a royalty to R.W.S. which shall be calculated as if Remington were charging such other American manufacturer a royalty equal to one-half the royalty as provided in Section VII, sub-Section (A)

paragraphs (1) and (2) of this agreement. After the maximum royalty for non-military ammunition provided for in Section VII, sub-section (A), paragraph (4), is reached, Remington shall pay to R.W. S. one fourth of the royalties received thereafter by Remington from such other American manufacturers; should such sums be less than one-eighth of the royalties chargeable to Remington by R.W.S. under Section VII, sub-section (A), paragraphs (1) and (2) of this agreement, then Remington shall pay to R.W.S. one-eighth of the royalties chargeable to Remington by R.W.S. under Section VII, sub-section (A) paragraphs (1) and (2).

X. Remington shall have the right to license other American manufacturers or the Government of the United States under any of the United States Patents or applications involved in this agreement to manufacture, use and sell military ammunition containing tetracene within the United States, its territories and possessions, but the approval of R.W.S. to such a license must first be secured, unless the royalty paid Remington is \$ -.15 per 1,000 cartridges or more on ammunition and \$ -.10 per 1,000 primers or more on primers. One-fourth of the royalties paid to Remington on military ammunition or on primers for military ammunition shall be paid by Remington to R.W.S., but is ^{not} to be taken into consideration in connection with the maximum and minimum royalty provisions of this agreement.

XI. Remington shall make quarterly reports to R.W.S. in February, May, August and November of each year as to sales by Remington in the preceding quarter

and simultaneously with such report shall make payments to R.W.S. . In accordance with the terms of this agreement, Remington further agrees to provide R.W.S., in connection with the quarterly reports, with a separate statement of its sales of ammunition for export to Canada. R.W.S. shall have the right to have the books of Remington examined by a Certified Public Accountant insofar as this may be necessary to verify the correctness of any such report. Information received in such reports and through such examinations shall be held confidential by R.W.S.

XII. Remington acknowledges the validity of the patents and applications involved in this agreement, but if this agreement is cancelled by R.W.S. as provided for in Section VII, sub-section (A), paragraph (3) of this agreement, no acknowledgment of the validity of any of the patents or applications in question shall be effective against Remington.

XIII. Remington agrees that, in case this agreement is cancelled by R.W.S. as provided for in section VII, sub-section (A), paragraph (2) of this agreement, it will assign to R.W.S. all of the United States patents and applications which have been transferred to it by virtue of this agreement.

XIV. Remington agrees that, in case any applications or patents relating to any invention or improvement in the manufacture of tetracenes and/or in priming materials and mixtures comprising any of the chemical class of substances known as tetracenes are now or are in the future issued to, owned or

controlled by Remington and/or its employees, it shall, at the option of R.W.S. assign the German patents or applications to R.W.S., and grant non-exclusive licenses to sell under the patents and applications of countries other than Germany under terms substantially reciprocal to those provided for herein except as follows :

- (a) The royalty to be paid shall be one-half of those provided for in this agreement.
- (b) The maximum royalty payable by R.W.S. on non-military ammunition in such case shall be \$ 150,000, and
- (c) The preliminary payment of \$ 25,000.-- referred to in Section VII shall be omitted.

XV. It is understood and agreed that this agreement shall be governed by and construed and interpreted in accordance with the Law of the State of New York.

STATE OF NEW YORK :

SS

COUNTY OF NEW YORK :

day/

On this 14th/ of November, 1929, before me personally appeared

Dr. Paul Mueller, to me known, who being by me duly sworn, did depose and say that he resides at Cologne, Germany; that he is the General Director of Rheinisch-Westfaelische Sprengstoff-A.G. of Cologne, Germany, the corporation described in and which executed the above instrument; and that he signed his name in behalf of the said corporation thereto by order and authority of said corporation.

signed : B. Josephson
Notary Public

STATE OF NEW YORK :

SS

COUNTY OF NEW YORK :

On this 14th day of November, 1929, before me personally appeared Saunders Norvell, to me known, who being by me duly sworn, did depose and say that he resides at Lerchaent, New York; that he is the President of Remington Arms Company, Incorporated, the corporation described in and which executed the above instrument; that he knew the seal of said corporation, that the seal affixed to said instrument was such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name and the name of said corporation thereto by like order.

signed : Peter C. Wetland

Notary Public

Stamp : Notary Public

In Witness whereof, Rheinisch-Westfälische Sprengstoff-A.G., has executed these presents through Dr. Paul Mueller, its General Director and Remington Arms Company, Incorporated, has executed these presents through Saunders Norvell, its President, said officers having due authority.

RHEINISCH -WESTFÄLISCHE SPRENGSTOFF A.G.

By /s/ Dr. Paul Mueller
General Director

REMINGTON ARMS COMPANY, INCORPORATED

By /s/ Saunders Norvell
President

DAG. No. 18

Exh. No.

Seal

ATTEST :

(signature) George Bingham
Secretary

(signature) B. Josephson

Stamp :

Notary Public

I, Hanns Gierlichs, assistant Defense Counsel at the American
Military Tribunal, Nuernberg, certify hereby that the above is
a true copy of Prosecution Exhibit No. 1011, contained in Document
Book 43 of the Prosecution.

Nuernberg, 5 January 1948

signed : Hanns Gierlichs.

DAG. - No.19....

Exh. - No.1111.....

H.E. 1196

as DAG. Vf. v. 14.3.34

s. DAG 14

MEMORANDUM OF AGREEMENT

This AGREEMENT, made as of January 1, 1934, by and between Dynamit Actien Gesellschaft, a corporation of Germany, having its executive offices at Troisdorf, Germany, hereinafter referred to as "D.A.G."; and Remington Arms Company, Inc., a corporation of the State of Delaware, U.S.A., having a factory and offices at Bridgeport, State of Connecticut, U.S.A., hereinafter referred to as "Remington":

Witnesseth:

Whereas, Remington, on or about the 14th day of November, 1929, entered into a certain contract with the Rheinisch Westfaelische Sprengstoff A.G., a corporation of Germany, which contract, hereinafter for convenience referred to as the "R.W.S. contract", is attached hereto and made a part hereof; and

Whereas, the original and re-issue applications for United States Patents mentioned in said R.W.S. contract have eventuated as follows:

Application Serial No. 352,893 was abandoned after filing as a continuation Application Serial No. 430,138 which has resulted in Patent No. 1,889,116, November 29, 1932;

(page 2 of document)

Application Serial No. 400,738 was abandoned
in view of Application Serial No. 430,138;

Re-Issue Application Serial No. 400,723
has resulted in Re-Issue Patent No. 17,540
of December 31, 1929;

Whereas, D.A.G. has succeeded to all the rights and
obligations of Rheinisch-Westfälische Sprengstoff A.G.
under and by virtue of said R.W.S. contract; and

Whereas, the parties hereto are desirous of modifying
certain of the provisions of said R.W.S. contract as herein-
after provided:

Now, therefore, in consideration of One Dollar and other
good, valuable and sufficient considerations, extending from
each of said parties to the other, the receipt of which is
heroby acknowledged, and in consideration of the covenants
and promises herein contained, said parties do hereby mutually
covenant and agree as follows:

1. Royalty payments shall be made by Remington on the
sales made during each quarter based upon the net
selling price after deduction of all discounts and
rebates. For convenience and simplicity, the
average rate of discount allowed by Remington in its
ammunition business for the preceding quarter will be
used in reducing Remington's gross billings to their
net cash value. When accounts with respect to which
royalties have been paid are uncollectable

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the proper deduction will be made from the next royalty payment due after such accounts have been found to be uncollectable.

II. "Military ammunition" is defined as ammunition of sizes and types ordinarily used in war and sold directly to or made under a license from Remington by a Government actually engaged in war, or storing the ammunition thus made or purchased for the purpose of war. All loose primers sold to the United States Government shall be considered as military ammunition. "Commercial ammunition" (non-military ammunition) includes all ammunition not coming within the above definition of military ammunition.

III. The royalties to be paid to D.A.G. by Remington on commercial ammunition, primers and primed shells, coming within the claims of Re-Issue Patent No. 17,540, based on the net selling price as hereinbefore set forth, shall be as follows:

(a) - Rifle Ammunition

- | | |
|---|------------|
| 1. Sold and intended for consumption within the United States | 3/4 of 1 % |
| 2. Sold in and for export from the United States | 1 % |

(b) - Centerfire Metallic Ammunition and shot shells

- | | |
|---|-----------|
| 1. Sold and intended for consumption within the United States | .5 of 1 % |
|---|-----------|

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2. Sold in and for export
from the United States .6 of 1 %

(c) - All loose primers and empty
primed shells 1 %

This rate to remain the same regardless of the volume of
sales.

IV. When during any calendar year Remington shall have paid
to D.A.G. as royalties the sum of \$20,000, the rates at which
royalties shall be paid for the remainder of such calendar
year shall be one-third (1/3) of those specified in
Paragraph III; provided, however, that should German and
United States currencies be stabilized at a ratio of 3.5
or more German marks per United States dollar for two or
more quarters in any one calendar year, royalty rates of
one-third (1/3) of those specified in Paragraph III shall
apply when Remington during such calendar year shall have
paid to D.A.G. as royalties the sum of \$18,500.

V. The maximum royalty to be paid to D.A.G. by Remington in any
calendar year with respect to commercial ammunition, primers
and primed shells, shall be \$35,000, and when this amount
has been paid no further royalties shall accrue to D.A.G.
with respect to sales of commercial ammunition during such
calendar year.

VI. If and when the total amount paid by Remington with respect
to commercial ammunition under this contract and the R.W.S.
contract reaches \$250,000,

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no further royalties shall be paid by Remington with respect to commercial ammunition, primers and primed shells, but it is understood that when the amount paid by Remington in any one year exceeds \$30,000 the excess shall not be included in computing the maximum of \$250,000.

VII. The royalty paid to D.A.G. by Remington with respect to military ammunition manufactured and sold by Remington shall not be less than 1 % without the express consent of D.A.G. D.A.G. agrees that it will not unreasonably withhold its acceptance of royalties reduced to not less than 1/10 of 1 % where such a reduction of royalties is found by Remington to be necessary or desirable to facilitate the securing of substantial orders or volume of sales of military ammunition by Remington.

Remington shall not, without the consent of D.A.G., license the Government of the United States or other American manufacturer to manufacture and/or sell military ammunition coming within the terms of this agreement at a royalty less than the following:

- (a) for cartridges, Fifteen Cents (\$0.15) per thousand;
- (b) for primers and empty primed shells, 1 % of Remington's net selling price of similar military primers and primed empty shells. The consent of D.A.G. to license at a less royalty,

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when necessary to the granting of profitable licenses, will not be unreasonably withheld.

One-quarter (1/4) of the royalty received by Remington from the Government of the United States or other licensee with respect to military ammunition shall be paid to D.A.G.

- C
- VIII. The royalties paid by Remington to D.A.G. with respect to Military ammunition manufactured and/or sold by Remington or its licensee shall not be included in the amount of \$20,000 (or \$18,500) beyond which a reduced royalty is paid, or in the annual total of \$35,000, or in the grand total of \$250,000.
- IX. The royalty provisions of this agreement shall become effective January 1, 1934.
- C
- X. Should Remington desire to manufacture and/or sell ammunition, military or commercial, containing a priming mixture coming within the claims of Patent No. 1,889,116 but not within the claims of Re-Issue Patent No. 17,540; or in the event that upon the expiration of Re-Issue Patent No. 17,540 the total of \$250,000 with respect to commercial ammunition has not been paid, then and in either of such events the royalties herein provided shall be reduced to one-half (1/2) of the amounts herein specified.

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XI. Royalties paid to Imperial Chemical Industries with respect to sales of Tetrazene primed ammunition in Great Britain and Northern Ireland shall be deducted from payments to D.A.C., as hitherto.

XII. The provisions of the R.W.S. contract, and particularly Paragraphs II, III, III (a), III (d), IV, V, VI, VII (c), VII (d), VII (f), VIII, IX, XI, XII, XIII, and XIV, except as herein modified shall remain in full force and effect.

XIII. In case any controversy under this agreement shall arise between the parties hereto which they are unable to adjust between themselves, such controversy shall be settled by arbitration in accordance with the provisions of the "United States Arbitration Act" in the following manner:

Either party may, by notice in writing served on the other, appoint one arbitrator and call upon the other to appoint a second arbitrator within thirty days after the receipt of such notice: and each party agrees that, upon receiving any such notice, it shall so appoint an arbitrator. The two arbitrators thus appointed shall, within thirty days after the appointment of the one last appointed, jointly appoint a third arbitrator. The controversy shall be submitted to the three arbitrators in such manner as they shall direct and their decision, or the decision of a majority of them,

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rendered in writing shall be final, conclusive and binding upon the parties. In the event that a second arbitrator shall not be appointed as above provided, or the two arbitrators first appointed shall fail to appoint a third, application may be made by either party to the United States District Court of Delaware, or to a judge thereof, to designate and appoint an arbitrator or arbitrators, as the case may require. Each party shall pay its own expenses in connection with the arbitration, but the compensation and expenses of the arbitrators shall be borne in such manner as may be specified in their decision in writing.

XIV. This agreement shall inure to the benefit of and be binding upon the parties hereto, and their respective subsidiaries and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this agreement by their duly authorized officers.

DI AMIT ACTIEN GESELLSCHAFT

By Dr. Paul Mueller
.....
Dr. Rudolf Schmidt
.....
Directors.

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REMINGTON ARMS COMPANY, Inc.

By C.K. Davis
President

Seal

Attest:
..... (signature) illegible
Secretary

Form Approved
Legal Department
H.C. Raskell
Assistant Director

German Reich
State of Prussia
City of Cologne
Consulate of the United States
of America.

On this second day of January, 1934, before me personally appeared Dr. Paul Mailler and Dr. Rudolf Schmidt, they being by me duly sworn did depose and say that they reside at Cologne, Germany; that they are Directors of Dynamit Action Gesellschaft, of Troisdorf, Germany, the corporation described in and which executed the above instrument; and that they signed their names in behalf of said corporation thereto by order and authority of said corporation.

(Signature): Bartley F. Yost
.....
Bartley F. Yost

Consul of the United States
of America

Service No. 8 Fee \$2.- Tax \$31.-
.....

American Consulate
(two stamps) \$1.- \$1.-

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State of Connecticut:

County of Fairfield :

On this 15th day of December, 1933, before me personally appeared C.K. Davis, to me known, who, being by me duly sworn, did depose and say that he resides at Fairfield, Connecticut; that he is the President of Remington Arms Company, Inc., the corporation described in and which executed the above instrument; that he knows the seal of said corporation, that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name and the name of said corporation thereto by like order.

(Signature:) illegible

Notary.

DAG. - No. ..19.....

Exha - Nol

I, Hanna Gierlichs, Deputy Defense Counsel with the American Military Tribunal at Nuernberg, hereby certify that this is a true and correct copy of Prosecution Exhibit No. 1012 contained in Prosecution Document Book No. 43.

Nuernberg, 5 January 1948

Signed: Hanna Gierlichs.

A B - A G R E E M E N T made this tenth day of March _____

One thousand nine hundred and thirty
one B E T W E E N THE RHEINISCH WESTFÄLISCHE SPENGLER ARBEIT
GESELLSCHAFT whose main office is at Cologne in the Republic of
Germany (hereinafter called "R.W.S.") of the first part HANS
BATESBURG formerly of 25 Motstrasse and now of 33 Hindenburgstrasse
Furth, Bavaria and EDMUND VON PERZ of Eichenbruchstrasse 80, Cologne
Dollbruck, both in the said Republic of Germany (hereinafter called
"the Inventors") of the second part and IMPERIAL CHEMICAL INDUSTRIES
LIMITED whose registered office is at Imperial Chemical House
Millbank in the City of Westminster England (hereinafter called
"Imperial") of the third part - - - - -

W H E R E A S the Inventors have either jointly or severally
discovered certain processes (hereinafter called "the said process")
for the manufacture of new priming charges for ammunition and for the
improvement of the known ones by the use of tetrazene either alone
or in conjunction with lead styphnate

A N D W H E R E A S the said processes are now protected or
provisionally protected in various parts of the world by the patents
or patent applications (hereinafter referred to as "the said Patents")
short particulars of which are set out in the Schedule hereto - - -

A N D W H E R E A S the Inventors are in the employ of R.W.S. and
under the terms of their employment all inventions discovered by
them in the course of their employment become the property of
R.W.S. - - - - -

A I R - ~~YESSAS~~ Imperial are desirous of utilising the said processes and have applied to R.W.S. for a licence under the said patents which R.W.S. have agreed to grant upon and subject to the terms and conditions hereinafter appearing - - - - -

N O W IT IS ~~HEREBY~~ AGREED by and between the parties hereto as follows: - - - - -

1. - - - ~~THE~~ Inventors as to their respective interests in the said patents and by the direction of R.W.S. hereby grant and R.W.S. hereby grant and confirm unto Imperial sole and exclusive license and authority to manufacture ammunition in accordance with the said process in all parts of the British Empire (other than Canada) in which the said processes are or may hereafter be protected by the said patents. - - - - -
2. - - - ~~THE~~ term "British Empire" wherever used in this agreement shall unless the context otherwise requires mean the United Kingdom and the Irish Free State, the self-governing Dominions India, Egypt, the Crown Colonies and Protectorates, Mandated Territories and all countries under the suzerainty of or owing allegiance to the Crown. -
3. - - - ~~THE~~ licence hereby granted shall be for the lives of the said patents in the respective countries covered thereby
4. - - - ~~THE~~ Inventors and/ or R.W.S. will at the expense of Imperial execute or concur in executing any formal licences or other deeds or documents which may be necessary or requisite for the purpose of recording this agreement in any of the countries covered by the said patents. - - - - -
5. - - - ~~THE~~ Inventors and R.W.S. will give Imperial all technical information, assistance and advice by the supply of working drawings and plans and personal help in experimental work and commencement of production which Imperial may from

time to time require for the purpose of enabling them to manufacture ammunition under the said patents most economically and to the best advantage. All travelling and subsistence expenses actually incurred by any of R.W.S.' employees in the due performance of their obligations under this clause (including the expenses of supplying duplicate sets of working drawings and plants when required) shall be refunded by Imperial. The Inventors and R.W.S. will take all the steps in their power to prevent any technical information given to Imperial under the terms of this agreement from becoming known to other persons within the British Empire and Imperial on their part will regard the information so disclosed to them as secret and confidential.

6. — — — IM consideration of the premises Imperial will pay to R.W.S. (with the consent of the Inventors testified by their execution of this agreement) in addition to the royalties hereinafter referred to the sum of ~~TEN THOUSAND POUNDS~~. Of such sum Two thousand pounds shall be paid on the execution hereof and the remaining Eight thousand pounds shall be paid by eight annual instalments of One thousand pounds each the first of which instalments shall become payable a year after the date hereof. — — — — —

7. — — — IMPERIAL will refund to R.W.S. any patent agents' charges and Patent Office fees incurred or to be incurred by R.W.S. in connection with British application No. 310809 and the grant of Letters Patent in respect thereof and the corresponding British Empire equivalents. — — —

8. — — — IMPERIAL will pay the renewal fees on such of the said patents as are within the British Empire whilst R.W.S. will pay the renewal fees of such of the said patents as

are outside the British Empire. Neither party will allow any of the said patents to lapse through non-payment of renewal fees without the consent of the other party which consent shall not be unreasonably withhold in the case of any particular country if it can be proved that the small quantity of sales which can be effected in that country renders continued protection unremunerative. - - - - -

9. - - - If the event of any of the said patents being infringed R.W.S. and Imperial will confer with each other in regard to the course to be adopted and in regard to the expense of any proceedings which it may be considered advisable to institute. It is the intention of the parties that the cost of infringement proceedings in territories where Imperial have manufacturing rights shall in normal circumstances be borne by Imperial and in territories where Imperial have merely selling rights by R.W.S., but either party shall have the right to insist if the other party is unwilling that infringement proceedings shall be taken at its own expense and R.W.S. or other ^{of} the patentees will lend their name to all such infringement proceedings. - - - - -

10. - - - If ~~shall~~ ^{of} not be set up by way of defence to any claim made against Imperial for payment of the balance of the sum of Ten thousand pounds referred to in clause 6 hereof that the said patents or any of them have since the date of this agreement been declared to be invalid by a Court of Competent Jurisdiction. - - - - -

11. - - - R.W.S. and Imperial will forthwith communicate to each other any improvements that they may make on and any further inventions that they may discover in respect of the use of tetrazene and/or lead styphnate in the manufacture

of priming charges for ammunition (whether such improvements or further inventions shall be patented or not) and will fully disclose to each other the nature and manner of performing the same. If any of the said improvements or other inventions shall appear to be the fit subject matter for patent protection the party inventing the same shall apply for protection in Germany and the British Empire, ^{patents} British Empire / (other than Canadian patents) shall belong exclusively to Imperial save and except that R.W.S. and their subsidiary or associated Companies may sell within the British Empire sporting ammunition manufactured under any such patents in accordance with the terms of these presents. German patents shall belong exclusively to R.W.S. save and except that Imperial may sell within Germany sporting ammunition manufactured under any such patents in accordance with the terms of these presents. Each party will reimburse the other party for the cost of applications made in its territory and will execute and do at the expense of the other party all deeds, acts and things which may be necessary for the purpose of vesting in the other party any such patents as it is entitled to call for hereunder. The question of applying for patent protection for such improvements or inventions in any other part of the world and any arrangements consequential thereon shall be agreed upon between the parties at the time of any such application being proposed. - - - - -

12. - - SUCH mutual licences in respect of improvements or inventions as aforesaid shall be granted by each party free of royalty or other cash consideration and any royalties payable by Imperial under any part of this

agreement shall not in the absence of agreement be extended beyond the respective dates on which the scheduled patents expire. - - -

13. - - - IMPERIAL may vest either wholly or partially any of the rights hereby conferred on them in any of their subsidiary or associated companies without relieving themselves thereby of the obligations towards R.W.S. undertaken hereunder and they may also transfer the same to their successors in business or assigns. For the purpose of these presents a subsidiary or associated company shall mean a company in which Imperial directly or indirectly owns or controls not less than Forty nine per centum of the issued capital or voting control. - - -

The following provisions apply solely to ammunition

designed for sporting purposes and manufactured under this license

14. (1) - IMPERIAL may sell sporting ammunition in or for export to all parts of the world except Canada, Germany and the United States of America without limitation of quantity.

(2) - IMPERIAL'S imports of sporting ammunition into Germany may not during the currency of this agreement exceed in any consecutive months twelve ^{months} not selling value of Three thousand pounds calculated on the basis of Imperial's export price for the same at Works - - - - -

(3) - IMPERIAL'S imports of sporting ammunition into the United States of America may not so long as the Remington Arms Company Incorporated (hereinafter called "the Remington Company") are licensees under the scheduled American patents exceed such figure as may from time to time be agreed upon between Imperial and the Remington

Company and approved by R.W.S.-----

15. --- R.W.S. and the Companies in Germany with which they are now associated or which they now supply with ammunition may sell sporting ammunition in or for export to all parts of the British Empire (except Canada) without limitation of quantity. ---
16. (1) --- THE Remington Company may sell sporting ammunition in or for export to all parts of the British Empire (except the United Kingdom and Canada) without limitation of quantity. ---
- (11) --- EXPORTS by the Remington Company into the United Kingdom shall be made the subject of a separate agreement between Imperial and the Remington Company and Imperial shall not enter into any such agreement with the Remington Company without the privity and consent of R.W.S.---
17. --- SAVE as hereinbefore provided the rights of sale within the British Empire conferred on Imperial hereunder shall be regarded as exclusive and R.W.S. shall not allow any breach of or deviation from the terms of the agreements hereinbefore referred to without the consent of Imperial.
18. --- IMPERIAL will pay to R.W.S. on all sporting ammunition sold by them which has been manufactured by them under this licence at any factories in any part of the British Empire other than the United Kingdom and Canada which are either not in existence at the date of these presents or are not at such date engaged in the manufacture of ammunition such a sum as will after deduction of any tax for the being time/payable thereon yield to R.W.S. an amount equivalent to One per centum in the case of ammunition and Ten per centum in the case of caps sold

separately, such percentages being calculated in each case on the net selling price of the article at producing works, but royalties at the said rates shall only be paid on the amount by which the total annual sales of such ammunition by Imperial after the erection or user of such factories exceed their total annual sales in the calendar year immediately preceding such erection or user - - - - -

19. - - - ROYALTY statements shall be prepared by Imperial at the end of every year and the amount (if any) due in accordance with such statements shall be remitted to R.W.S. within three months of the end of such year - - - - -

20. - - - EXCEPT as hereinbefore authorised Imperial will not grant any sub-licence to manufacture sporting ammunition without the consent of R.W.S. being obtained in each particular case. - - - - -

The following provisions apply solely to ammunition designed for military purposes and manufactured under this licence:

21. (a) - THE sale within or for export to the British Empire (other than Canada) of military ammunition is reserved exclusively for Imperial. -
(b) - IMPERIAL may also sell military ammunition in all parts of the world outside the British Empire (with the exception of Germany and the United States of America) but selling rights in such territories are shared by them with R.W.S. and the Remington Company. - - - - -
22. - - - IMPERIAL will pay to R.W.S. on all sales of military ammunition such a sum as will after deduction of any tax for the time being payable thereon yield to R.W.S. an amount equivalent to One per centum in the case of ammuni-

tion and Ten per centum in the case of caps sold separately, such percentages being calculated in each case on the net selling price of the articles at producing works.

23. --- SUCH royalties shall be paid during the life of the said patents on sales effected not only in countries where such patents exist but also on sales effected until the expiration of the last surviving British patent in any country where no protection exists provided that no ammunition is imported into such country by persons other than R.W.S. or their licensees - - - - -
24. --- SHOULD any of the patents (new series) be declared invalid by a Court of Competent Jurisdiction, the said royalties shall nevertheless continue to be payable until the expiration of the British patent (old series) and after such expiration for a further period of Five years but at half the rates hereinbefore mentioned during such last period - - - - -
25. --- IN calculating any sums due to R.W.S. by way of royalty on sales of military ammunition credit shall however be given to Imperial for Five thousand pounds (part of the sum of Ten thousand pounds hereinbefore referred to) which shall pro tanto be treated as a payment on account of royalties - - - - -
26. --- ROYALTY statements shall be prepared by Imperial at the end of every year and the amount (if any) due in accordance with such statements shall be remitted to R.W.S. within Three months of the end of such year - - - - -
27. --- R.W.S. will sympathetically consider claims by Imperial for reduction of royalties in exceptional cases where Imperial can prove that the rate of royalty is unduly hampering development of sales.---

28. --- IMPERIAL may grant an exclusive or non-exclusive sublicense under or agree to assign any of the said patents to the Government or military administration of any part of the British Empire or to any manufacturing Company nominated by such Government or Administration, but it shall come to an agreement with R.W.S. as to the share of royalties in the case of a sub-licence or share in the consideration in the case of an assignment which is to be paid to R.W.S. Subject to such an agreement having been arrived at R.W.S. will at the expense of Imperial execute any assignment or concur in any sub-licence or do any other acts, deeds and things which may be necessary for the purpose of giving effect thereto ---

29. --- SHOULD the military administration of any country outside the British Empire desire to obtain an assignment or a licence under any of the said patents R.W.S. will confer with Imperial and the Remington Company in regard to any such proposal and the steps necessary ^{to} protect their respective interests in regard thereto ---

30. --- ANY rights under any of the said patents granted by Imperial or R.W.S. to any such Government or Administration as aforesaid shall be strictly limited to the territory covered by such Government or Administration and shall contain a prohibition against exportation of any ammunition manufactured thereunder ---

The following provision shall apply only to the Argentina ---

31. --- IF Imperial's associated company The Cartuchos de Orben Argentina S.A. shall at any time hereafter desire to manufacture ammunition in accordance with the process now provisionally protected in the Argentina under applic-

ation No. 39220 and if a patent shall be duly granted in respect of the said application then and in such event R.W.S. and/or the inventors will grant to the Cartoucheria Orbes Argentina S.A. a non-exclusive licence authorising them to manufacture and sell ammunition to the Argentina in accordance with the said process and any improvements thereof. No further cash consideration shall be payable for the grant of the said licence but the Cartoucheria Orbes Argentina S.A. shall pay to the R.W.S. during the lifetime of the said patent the following royalties on all ammunition, whether military or sporting, manufactured and sold thereunder in the Argentina i.e. One per centum on ammunition and Ten per centum on caps sold separately, the percentage being calculated in each case of the net selling price of the article of producing works - - - - -

I H. WITNESS whereof R.W.S. have hereto caused this agreement to be subscribed, the Inventors have set their hands and seals and Imperial has caused its Common Seal to be affixed the day and year first above written - - - - -

THE SCHEDULE above referred to

PATENTS

Old Series	German Patent	No. 352433
	U.S.A.	1586380
	British "	201009
	French "	573107
	Spanish "	87155
	Swedish "	59611
	Brazilian "	15409
New Series	Great Britain	310509
	South Africa	583/29
	Mexico	30329
	France	671800

PATENT APPLICATIONS.

Old Series	Russia	13167
New Series	Germany	R. 74425
	Italy	101131
	Belgium	283859
	Denmark	857/29
	Norway	42551
	Spain	112629
	Switzerland	64621
	Holland	65991
	Sweden	1626/29
	Poland	P. 26572
	Austria	U.P. 0081
	Hungary	6135
	India	15672
	Japan	
	Brazil	6056
	Australia	19521
	Argentina	39220
	Chile	268
	U.S.A.	

Rheinisch Westfälische
Sprengstoff-Aktion-Gesellschaft

sign. Paul MUELLER
Generaldirektor
Köln, Zeppelinstr. 1-3

(Signature) Secretary
Köln, Zeppelinstr. 1/3

SIGNED SEALED and DELIVERED)

by the above named Hans)

RATHSBURG in the presence of)

HANS RATHSBURG
(sund. Hans RATHSBURG)

HANS STÄHLER
Euerberg, Maxplatz 48
Chemical Engineer

SIGNED SEALED and DELIVERED)

by the above named Edmund)

von HERTZ in the presence of)

EDMUND VON HERTZ
(sund. Edmund von HERTZ)

(Signature)
Berlin W 62, Bayreuther Str. 44
Director

THE COMMON SEAL OF Imperial)

Chemical Industries Limited)

was herewith affixed in the)

presence of)

(S e a l)

(Signature) Director.

(Signature) Assistant
Secretary.

DAG No. 20
Exh. No...

I, Hanna GIERLICH, deputy defense counsel at the American Military Court of Justice, Nuernberg, herewith confirm that the above document is a literal copy of a photostatic copy of the agreement between RMS and ICI of 10 March 1931. The photostatic copy was taken from the original agreement which is to be found in the files of the Dynamit-Action - Gesellschaft, formerly Alfred NOBEL & Co., Troisdorf, and with their consent was compared by me with the original.

Nuernberg, 5 January 1946

Signed: Hanna GIERLICH

Dr.

C O P Y

MEMORANDUM OF AGREEMENT made in duplicate this first day of December,
One thousand nine hundred and thirty

BETWEEN:

RHEINISCH-WESTFÄLISCHE SPRINGSTOFF-AGENCIES-GESellschaft
of the City of Cologne Germany hereinafter called R.W.S.

ON THE FIRST PART

- and -

CANADIAN INDUSTRIES LIMITED a corporation of the Dominion
of Canada having its Head Office in the City of Montreal
hereinafter called C.I.L.

ON THE SECOND PART

WHEREAS R.W.S. is the owner of a certain invention of
Tetracene Compounds and of Canadian Letters Patent No. 297882 there-
fore and has agreed to sell its Canadian rights to the invention and
to any improvement thereof for the sum of Ten Thousand Dollars
(\$ 10,000.00)

AND WHEREAS C.I.L. has undertaken to purchase the said Canadian
rights and improvements upon the terms and conditions hereinafter
mentioned - - - - -

NOW - THEREFORE THIS AGREEMENT WITN E S S E S

that in consideration of the premises and of the

mutual covenants and benefits herein provided and other valuable consideration the parties hereto have agreed as follows: -

1. R.W.S. grants to C.I.L. the exclusive right to manufacture, sell and use in Canada Tetrazene compositions and ammunition and primers in which such Tetrazene compositions are used.

2. R.W.S. grants to C.I.L. a non-exclusive right to sell in Central and South American countries Tetrazene compositions and ammunition and primers in which such Tetrazene compositions are used.

3. C.I.L. grants to R.W.S. the right to deliver in Canada Tetrazene primed commercial ammunition for use solely in international shooting competitions provided that the fair market value in Canada of such ammunition so imported in any one year does not exceed Two Thousand Five Hundred (2500) German Marks.

4. R.W.S. grants to C.I.L. the right to license Remington Arms Company Incorporated, of the United States of America, to sell in Canada such commercial ammunition of United States manufacture.

5. C.I.L. shall not grant other licenses for Canada without first advising R.W.S. of its intentions.

6. AS compensation for the exclusive right to manufacture, sell and use the product of this invention in Canada, the necessary technical information to carry on such manufacture and the assignment of Canadian Letters ^{Patent} No. 297882 covering this invention, C.I.L. shall pay to R.W.S. the aforesaid sum of Ten Thousand Dollars (\$ 10,000.00) upon execution of this agreement.

7. DELIVERIES in Central and South American countries by C.I.L. of such commercial and military ammunition containing Tetrazene compounds shall be subject to a royalty of one per cent (1%) of the sale price of finished ammunition and ten per cent (10%) of the sale price of percussion-caps, payable to R.W.S. Halfyearly.

8. A royalty of one per cent (1%) of the sale price of finished Tetrazene primed ammunition of Remington manufacture now payable half - yearly by Remington Arms Company Incorporated to R.W.S. in respect of all such ammunition delivered in Canada by Remington Arms Company Incorporated shall be payable half - yearly by R.W.S. to C.I.L.

9. UPON receiving assignment of Canadian Letters

Patent No. 297883 C.I.L. shall pay to R.W.S. the amount of all reasonable costs incurred by R.W.S. in prosecution of the said Application and obtaining the grant of the said Letters Patent.

10. R.W.S. shall submit to C.I.L. all necessary information and give any other assistance required for the successful working of the said invention but C.I.L. shall refund the actual disbursements of R.W.S. incident to such service.

11. C.I.L. and R.W.S. undertake mutually and gratuitously to submit to the other party all improvements concerning Tetrazene and Trinitroresinate of lead and composition prepared therefrom to do everything possible to assist the other to make full use of such improvements and to treat as strictly confidential all communication connected therewith.

12. ~~THE~~ Canadian Patent Applications required for the protection of such improvements shall be filed by C.I.L. at its own expense.

13. R.W.S. shall render all possible assistance to C.I.L. in disputes with third parties in any way connected with Canadian Patent Applications or Patents

for the said invention or any improvements thereof but C.I.L. shall pay the costs incident to such service.

14. LIMITATION or total loss of the value of Canadian patents for the said invention from interference or legal action shall not give to C.I.L. the right subsequently to reduce the purchase price and the royalties herein provided shall be paid in respect of deliveries effected in any country other than Canada, in the case of South American and Central American countries having no patent protection during the period of continuance and validity of the latest Canadian Patent and in the case of countries in which there is local patent protection during the period that such patent protection exists irrespective of the existence or validity of Canadian Patents, provided that in either case the said royalties shall cease, should any person other than A.W.S. or persons similarly licensed by A.W.S. make deliveries in such countries.

15. THE term of this agreement shall be eighteen years or such longer period as shall embrace the life of any Canadian Patent granted to C.I.L. covering

Tetrazene compositions as now known or any commercially valuable improvements thereof which may hereafter be developed.

16. THESE presents shall be binding upon and enure to the benefit of the parties hereto their successors and assigns.

IN WITNESS whereof the parties hereto have caused their respective corporate seals to be hereunto affixed under the hands of their proper officers in that behalf.

Signed, Sealed and Delivered)

in the presence of -)

sign. Albert R. SCHWANKE)

sign. Edmund von KERE)

RHEINISCH-WESTFÄLISCHE
SPRENGSTOFF ACTIEN -
GESELLSCHAFT - - - - -

sign. Dr. P. MÜLLER
- - - - -

CANADIAN INDUSTRIES
LIMITED

signature

- - - - -
President

signature - - -

Secretary

I herewith affirm that the above document is a literal copy of a photostatic copy of the agreement memorandum of 1 December 1930 between the Rheinisch-Westfälischen Sprengstoff Aktien-Gesellschaft and Canadian Industries Limited. The photostatic copy was taken from a copy of the memorandum which

DAG No. 21
Exh. No...

is to be found in the files of the Dynamit-Aktion-Gesellschaft,
formerly ^{Aktion}BOEHL & Co., Troisdorf, and with their consent was
compared by me with the text.

Nuernberg, 2 January 1948

Signed: Hanna GIERLICH

DAG-No.: 22

Exhibit-No.:

Affidavit

I, Franz Anton Gierliche, resident of Spich ue/Troisdorf, Augustastr. 15, am aware that any false statement I may make on oath will render me liable to punishment.

I herewith affirm upon oath that the following statements correspond to the best of my knowledge and belief to the truth, and were made for the purpose of being submitted as evidence to the American Military Tribunal in Nurnberg (Case 6).

Since 1 July 1936 I have been employed as a lawyer by the Dynamit-Actien-Gesellschaft, formerly Alfred Nobel & Co. (DAG), and since 1940 have held the position of Prokurist in this company.

As a result of inquiries made with Kohn-Wittweil & Co., who were the joint selling agency (Verkaufs-gesellschaft) for D.G. and the Westfaelisch-Anhaltischen Sprengstoff A.G., Chemical Works (Wasag), for the export of gunpowder and explosives for military use, and as a result of corresponding information received from the Schlebusch factory of DAG, I came to the following conclusions:

During the last few years before the outbreak of the Second World War, deliveries of gunpowder and explosives for military purposes were carried out on a considerable scale to countries who were Germany's opponents in the war.

Details are still available of a transaction concluded between the Koeln-Rottweil A.G. and J.M. Steel and Co.Ltd., London, in 1937. As a result of this agreement a total of 1,738,590 kg. of Trinitrotoluene were delivered from the DAG Schlebusch factory to England between August 1937 and February 1938. Before the conclusion of the transaction it was clearly understood that the recipient of these Trinitrotoluene deliveries was the British War Office, so that various ^{previous} negotiations must have taken place with German official quarters (OKH or OKW) in order to obtain the necessary permission for these deliveries.

In addition, it appears from statistics which Koeln-Rottweil A.G. still have available, that in the years 1938 and 1939 direct sales, as set out in the following list, were put through with countries

DAG-No.: 22

Exhibit-No.:

that later became our enemies, and it is definite that the deliveries in question were explosives and gunpowder for military purposes. In the following list no account has been taken of the very considerable indirect export transactions undertaken by Koeln-Rottweil A.G. in which the latter were only acting as agents for such firms as Krupo, Rheinmetall etc. Nor do the transactions appear on the list which were made with countries who were first Germany's allies and only became her opponents during the war.

Sales of explosives and gunpowder for military purposes by Koeln-Rottweil A.G., with countries that later became enemies, amounted, according to information given to me, to the following:

in 1938		in 1939	
England	RM. 707,265.55	RM. 121,393.37	
Denmark	" 226,252.48	" 181,918.70	
Greece	" 3,777,991.22	" 9,847.50	
Turkey	" 402,342.35	" 496,600.00	
Yugoslavia	" 371,713.20	" -	
Czechoslovakia	" 68,106.62	" 61,448.75	
Belgium	" 89,063.23	" -	
China	" 1,773,033.00	" 902,772.10	
Holland	-	" 124,650.00	
U.S.A.	-		

Troisdorf, 3 December 1947

signed: Franz Anton Gierlichs
FRANZ ANTON GIERLICH

DAG-No.: 22

Exhibit-No.:

I, Karl Weyer, deputy Defense Counsel at the American Military Tribunal in Nurnberg (Case 6) hereby certify and attest the above signature of Herr Assessor Franz Anton Gierlichs, Spich ae/Troisdorf, who today signed in my presence.

Troisdorf, 3 December 1947

signed: Carl Weyer
CARL WYER

DAG No. ...23.....

Exhibit No.

Affidavit

I, Edmund Ritter von Herz, living at Zealn-Dellbrueck, Waltherstrasse 80, realize that I shall render myself liable to punishment by making a false statement. I herewith declare on oath that the statements made below are true to the best of my knowledge and belief and that they were made in order to be presented as evidence before the American Military Tribunal (Case 6) at Nuernberg.

Up to 12 March 1938 my position was that of a consultant to the Rheinisch-Westfaelische Sprengstoff-Actien-Gesellschaft (RWS), which in 1931 was amalgamated with the Dynamit-Actien-Gesellschaft vormals Alfred Nobel & Co. (DAG). On 12 March 1938 I became an employee of the RWS and therefore the DAG and later became the chief of the laboratory built at Zealn-Dellbrueck by the DAG. I left the DAG on 31 March 1946.

In 1935 the Heinkel Flugzeugwerke of Rostock approached the DAG and suggested that they develop a rivet which could also be employed in places where the riveting site was accessible from one side only, for example, in closed-box construction. In these rivets the head was to be formed by exploding a small charge contained in its shaft. After a few tentative experiments in the Schlebusch and Troisdorf factories the Nuernberg factory of the DAG was charged with the execution of this project. I played a major part both in the development of this rivet, especially as regards the type of explosive employed, as well as in the negotiations regarding its business exploitation.

(page 2 of document)

Development took about 3 years, so that manufacture on a larger scale did not take place until the beginning of 1939. The explosive rivet was extremely successful in its proposed form for all work which was accessible on one side only, and was therefore introduced in the same year by the Reich Air Ministry for rapid repairs on aeroplanes.

The letters patent which had in the meantime been published abroad had aroused the interest of various foreign firms, especially that of E.I. DuPont de Nemours & Co., Wilmington, Delaware, USA (DuPont). The London representative of this company, Mr. McCoy, made enquiries about this both at the DAG and at the Heinkel Flugzeugwerke and asked whether the Heinkel/DAG group would be prepared to enable DuPont to exploit this invention in the USA. After the Reich Air Ministry had been approached and given permission for this, negotiations about the sale of the patents for explosive rivets, which had been applied for in the USA, Canada and Mexico, to the American Explosive Rivet Company, a DuPont subsidiary, were commenced in the spring of 1939. No final agreement had been reached by the end of August 1939 but, in consideration of the political tension, the negotiations were then brought to a rapid conclusion. All the technical data were provided by the Heinkel/DAG group as quickly as was possible. Similarly, during the first half of September 1939, after the war had already started, a certificate of transfer as well as an authorization were made out for the American Explosive Rivet Company, after many difficulties and formalities had been overcome, and sent to the USA via Italy by courier.

(page 3 of document)

Everything was therefore done by both the Heinkel Flugzeugwerke and the DAG in order to make possible, even after the war had broken out in Europe, the manufacture and utilization of these explosive rivets which, especially in wartime, were of the greatest importance to the German Airforce.

Koeln-Dellbrueck, 19 December 1947.

EDMUND VON HERZ

(signed: Edmund von Herz)

D.R. 1194/47.

I herewith certify that the above signature, made before me, is that of Edmund Ritter von Herz, living at Koeln-Dellbrueck, Waltherstrasse 80.

Siegburg, 19 December 1947.

signed: Hartmann

Notary Public

Dr. Max Hartmann
Notary Public
at Siegburg
(Stamp)

A F F I D A V I T .

I Heinrich SCHINDLER, resident in Troisdorf, Kaiserstrasse 1, have been warned that I render myself liable to punishment if I make a false affidavit.

I hereby declare on oath that the following statements to the best of my knowledge and belief are in accordance with the truth and were made for the purpose of being laid as evidence before the American Military Tribunal in Nuernberg (Case 6).

On 1 April 1930, I entered the service of the Rheinisch-Westfälische Sprengstoff A.G., as chief engineer, which company amalgamated in 1931 with the Dynamit-Actien-Gesellschaft vormals Alfred Nobel & Co. (D.G.). At the time of the fusion, I was taken over by the D.G. in the same capacity. At the beginning of 1937, I received the title of Direktor.

I am still working in my post as chief engineer.

The letter of Dr. Paul Mueller to Dr. Kraenzlein of 9 December 1935 (Prosecution Exhibit No. II-6498) has been laid before me. My comments on this are as follows:-

- 1) Re: "successful working out of the nitrating process for Hexogen."

In 1934, the Army Ordnance Office (Captain Diplom-Ingenieur E.H.H.) approached the D.G. with the request either to produce

Hexogen, to give information regarding the process for the production of Hexogen, or, if necessary, to work out a process for the production of Hexogen. As the D.G. possessed no technically competent process, nor had any assistants in any way specially trained for working out such a process, Dr. MUELLER, at the suggestion of the Army Ordnance Office, put himself into touch with the I.C. on this account. Since Hexogen was stated to be manufactured abroad, and as a Swiss ^{explosives} ~~publicist~~ was said to have found a civil use for Nitropenta, an explosive technically closely related to Hexogen, and since, moreover, there had been in French quarters a long investigation into the question of Hexogen and Nitropenta, and both stuffs had been valued as ideal for civil use, the industry also had an economic interest in investigating the possibilities of producing Hexogen. Dr. MUELLER found in Dr. KREUZER a man who understood the position. An agreement was come to, under which certain gentlemen in Hoechst were delegated to discover a synthetic process for Hexogen. After about a year's work carried on both in research and in the field of dyestuffs, discovery was made in the laboratory of Dr. WOLFF of a process, which was called, after the head of this laboratory, the Wolff Process. This process was further developed in a small experimental works on a semi-technical scale and finally led, at the instance of the Army Ordnance Office, to the construction of a plant with a capacity of 100 tons a month in the Kruemmel factory of the Dynamit A.G., a capacity, however, which never reached its full performance. The process proved to be uneconomic. The Kruemmel plant was closed down during the course of the war.

The Hexogen-Demonstrations, further referred to in the course of the letter of Dr. Paul LIEBIG to Dr. KRAENZLEIN, as having been given by Dr. SCHMURR and Dr. WULFEL in Berlin in December, 1935, were purely laboratory demonstrations, which were carried out on a 100-gram scale.

2.) Nitrating Process for Trinitrobenzol.

The position with regard to Trinitrobenzol was the same as with Hexogen. At the instance of the Army Ordnance Office, the I.G. worked out a very complicated process also for the production of Trinitrobenzol. It is no longer possible to fix the precise date. In accordance with the suggestion of the I.G., a 15 tons-a-month plant was installed in the Breunel factory, likewise at the instance of the Ordnance Office, which ran for a time, but was then destroyed before the war by an explosion. It was very soon discovered that not only did the explosive Trinitrobenzol not offer any special interest, but that the methods for its production were extraordinarily uneconomic. Furthermore, gigantic investment costs would have been required for plants for medium production. After the explosion, Trinitrobenzol was dropped completely and no further work was done on the problem.

3.) Synthetic Glycerine.

This is a matter exclusively concerning the civil explosives sector. Shortages of Glycerine occurred very frequently in recent decades and were at the root of strong price fluctuations. This constituted an inducement for the production of synthetic in place of natural glycerine. As a result, the so-called Glycerogen (synthetic glycerine) was produced by I.G. Hoechst and

was used to a certain extent in civil explosives, on the basis of a mixture of a maximum of 30 % glycerogen and at least 70 % natural glycerine, in the nitration of explosive oil. It must be again emphasized, however, that this entire matter was confined to the civil sector and had nothing to do with the rearmament. The supposition expressed by Dr. Paul VUELLER that synthetic glycerine might also be of value in the production of gunpowder was not confirmed.

4.) Cartridge cases on a powder basis.

In accordance with the view expressed by Dr. VUELLER, this point was not further pursued. It was not until 1943 or 1944 and in quite a different connection, that a similar suggestion was made, which, however, was prevented by the end of the war from being any further developed. This suggestion had nothing to do with I.C. and D.G.

Troisdorf, 3 December 1947.

HEINRICH SCHINDLER

(signed: Heinrich Schindler)

I hereby witness and certify that the above signature of Direktor Heinrich Schindler, Troisdorf, was to-day affixed before me, Karl Meyer, Deputy Defence Counsel before the American Military Tribunal in Nuremberg (Case 6).

Troisdorf, 3 December 1947.

KARL MEYER

(signed: Karl Meyer)

DAG - No.: 25

Exhibit No.1

Affidavit.

I, Franz Anton Gierliche, residing at Spich near Troisdorf, Augustastr. 15, am aware that I shall be liable to punishment for making a false statement. I herewith declare under oath that the following facts were given to the best of my knowledge and belief and in order to be submitted as evidence to the American Military Tribunal in Nuernberg (Case 6).

Since 1 July 1936 I have been employed as legal adviser by the Dynamit Aktien Gesellschaft, formerly Alfred Nobel & Co., and since 1940 as Prokurist of this firm.

I have seen the letter written by Dr. Paul Mueller to Director Walther Ludwig, dated 30 April 1940 (prosecution exhibit No. III - 8345). With regard to this I have to say the following:

Dr. Mueller's letter in answer to the refusal of the I.G. Sales Department L within the Sales Combine Chemicals, to give the data required by DAG pertaining to the quantities of acetyl cellulose supplied by the Celluloidfabrik Spoyer to I.G.,

DAG - No.: 25

Exhibit No.:

(page 2 of document)

must be considered from the point of view of what Dr. Mueller wanted to achieve by it. If the matter is considered from that angle it can be seen that in the case in question it was only for tactical reasons that Dr. Mueller emphasized the fact that the DAG belonged to I.G., by using phrases such as:

"The DAG is practically a part of I.G." and "Why should I.G. give such a firm preference to others belonging to them". The Celluloidfabrik Speyer did not belong to the I.G. Konzern, although the Sales Department of I.G. was apparently interested in keeping the quantities supplied by the Celluloidfabrik Speyer secret from DAG, in spite of the Interessengemeinschaft agreement between I.G. and DAG and in spite of the fact that the DAG belonged to the I.G. Konzern. In actual fact the DAG was regarded in a large measure as merely a customer of I.G. A further proof that the DAG was only looked upon as a customer was that they were never granted inter-factory prices (Werkverrechnungspreise), but normal customers' prices, of course with the same advantages which were granted by I.G. to other customers of the same standing.

DAG - No. : 25

Exhibit - No. :

(page 3 of document)

Dr. Mueller was always very anxious to make this quite clear.

Troisdorf, 3 December 1947

signed: Franz Anton Gierliche

FRANZ ANTON GIERLICH

The above signature of Assessor Franz Anton Gierliche, Spich
near Troisdorf, was today given before me, Carl Weyer, Deputy
Defense Counsel before the American Military Tribunal in
Ruernberg (Case 6), which I herewith certify.

Troisdorf, 3 December 1947

signed: Carl Weyer
CARL WEYER

A f f i d a v i t .

I, Heinrich Schindler, resident in Troisdorf, Kaiserstrasse 1, have been duly warned that I shall render myself liable to punishment by making a false affidavit. I herewith declare on oath that, to the best of my knowledge and belief, the statements below are true and were made to be submitted in evidence to the American Military Tribunal in Nuernberg (Case 6).

I entered the service of the Rheinisch-Westfaelischen Sprengstoff A.G. as Chief Engineer on 1 April 1930. This company was merged in 1931 with the Dynamit-Actien-Gesellschaft vormals Alfred Nobel & Co. (D/G). At the time of the merging, I was transferred to the D/G, holding the same post. At the beginning of 1937 I received the title of Director.

I am still employed as Chief Engineer.

In his affidavit made on 30 August 1947 (Prosecution Exhibit No. NI-9487), in connection with the work of the D/G and the IG in the explosives field, Dr. Struss mentioned the "Special Committee for Aids", which in his opinion had rendered vital aid to the German explosives industry during the war. As I, as Dr. Struss also mentioned, was a member of this committee, I can state my opinion as follows :

It would be too much to say that the Committee rendered vital aid to the German explosives industry. The time factor alone made this impossible, as the Committee did not come into operation until 1943, in other words comparatively late.

The German explosives industry as such was not represented, but only the D.G. The Committee's task consisted of carrying out an exchange of experimental data, principally in the field of sulphuric and nitric acid concentration. This exchange of experimental data was in the interests of both parties and both firms gained in improving methods, saving on fuel expenditure, cutting down repairs, increasing production, etc. As regards the cracking process, this was developed by Lurgi in Frankfurt and various major plants were built on the basis of this process. The IG had nothing to do with it and found out about the finished process through factory inspections. Several reports on cracking plants were made at the meetings of the Committee. In comparison with questions of sulphuric and nitric acid concentration, however, the subject faded completely into the background. It should moreover be pointed out that the cracking process was by no means purely a matter of military explosives production, but was and still is of great importance in peace-time. For instance the D.G. is at present weighing consideration on whether to put the little cracking plant attached to their Schlabusch factory into operation again in connection with civil explosives production.

Troisdorf, 3 December 1947.

HEINRICH SCHINDLER

(signed : Heinrich Schindler)

I herewith attest and certify that the above signature was made by Director Heinrich Schindler, Troisdorf, today, before me, Karl Weyer,

DIG No. 26

Exh. No.

deputy Counsel for the Defense before the American Military
Tribunal in Nuernberg (Case 6).

Troisdorf, 3 December 1947

KARL WEYER

(signed : Karl Weyer)

DAG No. 27

Exh. No.

Affidavit

I, Heinrich Schindler, living at Treisdorf, Kaiserstrasse 1, have been warned that I shall render myself liable to punishment by making a false statement.

I herewith state on oath that the statement made below is true to the best of my knowledge and belief and that it was made in order to be submitted as evidence before the American Military Tribunal at Nuernberg (Case 6).

On 1 April 1930 I joined the Rheinisch-Westfaelische Sprengstoff-Aktion-Gesellschaft as Chief Engineer. In 1931 this company amalgamated with the Dynamit-Aktion-Gesellschaft vormals Alfred Nobel & Co. (DAG). I was taken over by the DAG on the occasion of this amalgamation but retained the same position. I received the title Director at the beginning of 1937. I am still employed as chief engineer to-day.

Due to my position as described above I am well informed about the organization of the Dynamit A.-G. and her subsidiaries. I was shown prosecution documents:

NI - 10 033

NI - 10 034

NI - 10 030

which are contained in volume 2.

With reference to Document NI - 10033 - Chart of I.G., status 1933 - I state the following: (my corrections refer solely to Dynamit A.-G. and Verwertchemie plants).

(page 3 of document)

- a) Sythen and Reenstahl must be deleted.
- b) Due to an explosion in 1929/30 Forde ceased operations and was never started up again.
- c) Treisdorf did not produce explosives only.
- d) Espelde had been closed down.
- e) Duenaberg was still an I.G. plant. Delete explosives.
- f) Coewig and Reinsdorf were not DAG plants.
- g) Bochlitz: E must be deleted.
- h) The same applies to Eilenburg.

With reference to Document NI - 10034 - chart of IG, status 1943 - I wish to state the following: (my corrections again apply solely to Dynamit A.-G. and Verwertchemie).

- a) Gerstefeld is not a DAG or Verwertchemie plant but belongs to Wessag or Deutsche Sprengchemie.
- b) Geographically, Ebenhausen has been mapped incorrectly: it is situated near Ingolstadt.
- c) Kreibitz belongs to Deutsche Sprengchemie.
- d) Eschenstruth must also be deleted since it is only a part of the Kesselsch-Lichtenau plant.
- e) The Torgelow, Klietz and Dreetz plants belong to the Wessag and the Deutsche Sprengchemie.
- f) The same applies to Coewig and Reinsdorf.
- g) Bochlitz - should not be marked "E".
- i) The Roschwig and Okerberg plants belong to Deutsche Sprengchemie.

Document NI - 10030 - a chart of Dynamit A.-G. plants and subsidiaries - also contains a number of errors. I have only selected the most important ones:

2nd column, re D: item 1: add/ Kresten and Malchow.

3rd column, re A: item 1: this should read "Zaco operated", not DAG operated.

re B: item 2: delete Kieselbach and insert "Kunigunde" in its place.

re B: item 1: delete Silberhuetten and insert in its place the firm Kieselchemie G.m.b.H., located at Kieselbach, Reich owned, Kieselchemie operated, plant Kieselbach.

re C: item 1: add, plant Salvensen.

re D: item 1: add, "in liquidation". Note further that the St. Ingbert plant ceased to exist more than 10 years ago.

5th column, re B: item 1: delete Vienna, and insert "St.Lambrecht" in its place.

6th column, re A: item 1: This item must be deleted in its entirety.

re B: item 1: delete Luxembourg and insert Kochelschauer in its place. Also delete x since this was an originally German participation

7th column, re B: item 8: must be deleted since there is no plant there.

re B: item 13: delete entirely since there is no plant there.

re B: item 14: ditto.

7th column, re B: item 16: must read, "in construction".

re B: item 22: should only read, "in construction".

re B: item 36: delete since it belongs to Deutsche Sprengchemie.

re B: item 27: must read, "in construction".

DAG No. 27...

Exh. No.

(page 4 of document)

8th column, delete altogether since Wessag and Sprungchenia
do not belong to the DAG-Konzern.

Troisdorf, 19 December 1947

signed: Heinrich Schindler

U.R. 1202/47

I herewith certify that the above signature, made before me, is
that of Dipl.Ing. Heinrich Schindler, living at Troisdorf,
Kaiserstrasse 1.

Siegburg, 19 December 1947

signed: Hartmann
Notary Public.

Dr. Max Hartmann

Notary Public at Siegburg.

(Stamp)

DAG No.:

Exh.No.:

CERTIFICATE OF TRANSLATION

19 January 1948

To,

Victoria ORTGA,	ETO No. 20129,
Phyllis RAY,	ETO No. 36287,
Arthur MACHAMATA,	ETO No. 20191,
Anne MARTIN,	ETO No. 20144,
Brigitte TURK,	ETO No. 35130,
Patricia WOOD,	ETO No. 20139,

hereby certify that we are duly appointed translators for the German and English languages and that the above is a true and correct translation of Document Book 2 DAG.

Victoria ORTGA
No. 20129
pp. 1 - 4

Arthur MACHAMATA
No. 20191
pp. 58 - 60
pp. 71 - 74

pp. 5 - 53 copies
of original English

Anne MARTIN
No. 20144
pp. 61 - 64

Phyllis RAY
No. 36287
pp. 54 - 57

Brigitte TURK
No. 35130
pp. 65 - 67

Patricia WOOD
No. 20139
pp. 68 - 70
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Case 6
Defense

D A G

DOCUMENT BOOK III

Supplementary volume

Submitted by the
Defense Counsel
Dr. Rudolf Dix.



Tung

INDEX

for DAG Document Book III

Supplementary volume

<u>Doc.No.</u>	<u>Ex.No.</u>	<u>Description of document.</u>	<u>Page</u>
28		<p>Affidavit Dr. jur. Rudolf Schmidt of 19 March 1948, member of the Vorstand of the DAG from 1915 to 1946.</p> <p>The witness testifies in connection with prosecution exhibit 1943 and with the statements of the prosecution on which it based the probative value of the above-mentioned prosecution exhibit. He points out that the statements of the DAG in its applications in connection with the turnover-tax trial are assertions made for a certain purpose by one party and that in a civil procedure in connection with the dependence from the I.G. the DAG voiced the opinion that the freedom of action of neither the Vorstand nor the Aufsichtsrat of the DAG should be impaired by the pooling agreement with the I.G. in an inadmissible manner. The witness explains that also in the course of the turnover-tax trial the DAG was forced to admit that it was completely independent as far as the military sector was concerned and that it acted without consulting the I.G. Finally the witness states that he upholds the statements made in his earlier affidavits in every respect.</p>	1
29		<p>Affidavit Dipl.Ing. Heinrich Schindler of 24 February 1948, Chief engineer of the DAG since 1931.</p> <p>The witness states that since 1942 he was chief of the special committee explosives</p>	7

Doc.No. Exh.No.	Description of document	Page
29 (continued)	within the main committee powder and explosives and that he in this capacity was able to obtain a complete survey of the connections and figures on the basis of which he made the detailed statements about the German powder and explosives production in his affidavit of 19 December 1947 (defense exhibit 13-I and 13-II).	
30	Affidavit Franz Anton Gierlich of 19 March 1948, made in connection with prosecution exhibit 1941. The witness states that the turn-over which is there accounted for as turn-over of the "Munition D.G." does not correspond with the actual turn-over of the D.G. in the ammunition field, the real amount of which he states in detail.	10
31	Affidavit Dipl. Ing. Heinrich Schindler of 24 February 1948, in which he states that the liaison office W (Vermittlungsstelle W) of the I.G. was not competent for the D.G. and the firms attached to it. On the contrary, the D.G. had an own liaison office in Berlin, which handled the business transactions between the civilian and military central offices in Berlin and the main administration of the D.G. and the individual plants.	12
32	Affidavit Dipl. Ing. Heinrich Schindler of 25 March 1948. The witness testifies in connection with prosecution exhibit 1936 and states that this letter was not written in order to inform Dr. Gejewski about the proceedings within the D.G. which were connected with armament, but contained only matters which had to be stated to justify his request for a certain personal report.	15

Doc.No. Exh.No.	Description of document	Page
33	<p>Affidavit Dipl.Ing. Heinrich Schindler of 16 March 1948.</p> <p>The witness testified in connection with the business transactions mentioned in prosecution exhibit No.1937 and as conclusion he states that these were individual cases where on certain occasions for technical or organizational reasons it was required to establish a closer contact between the offices of the I.G. and the D.G. but that this is not typical for the general relationship between the 2 companies.</p>	17
34	<p>Affidavit Friedrich Duhring of 25 March 1948 concerning prosecution exhibit 1940.</p>	22
35	<p>Affidavit Waldemar von Muench of 13 March 1948.</p> <p>From 1935 to 1945 the witness was chief of Group III G of the Office Foreign Counter-Intelligence, Department III of the OKW. This department was the only office which in Germany was competent to give expert opinions to courts and authorities about the objective side of the question whether a certain action had violated the regulations governing secrecy.</p> <p>The witness gives a detailed description of the legal basis and the actual administration of the regulations governing secrecy in Germany and as conclusion he states:</p> <p>"In view of my knowledge of the above-mentioned problems I consider it as impossible that the Vorstand of a big enterprise like the I.G.Farbenindustrie Aktiengesellschaft received detailed informations about proceedings within subsidiary and tertiary companies which were under the secrecy protection because military offices had an interest in these companies, as this would have been a violation of the regulations governing secrecy.</p>	24

Doc.No. Exh.No.	Description of document	Page
35 (continued)	<p>The same applies also for proceedings within the companies themselves, because -as already mentioned- the individual members of the Vorstand were permitted to talk to their colleagues about measures which had to be kept secret only if those colleagues too had to be interpolated in their official capacity in the carrying out of these measures. This point of view alone governed the extent of informing individual persons, but not obligations which resulted from other aspects as i.e. directives in connection with privileges obtained from possession of shares which were contained in the business regulations of the Vorstand or the Aufsichtsrat, or similar directives, as the regulations governing secrecy were superior to all other regulations.</p>	

DAG- Sch.
No. 1b.

Content of Document

Page

36

Affidavit of Franz Anton Gierlich of 9 May 1948. The affiant comments on the correspondence of DAG with I.G. Farben concerning "Verwertchemie" which, he states, was negligible. It was limited to individual topical problems on hand. DAG was to benefit for their own processes from the experiences of the competent I.G. Farben departments.

35

"I can state with authority that no correspondence took place between the DAG and I.G. Farben concerning the subject; use of "Verwertchemie" in the armament sector."

37

Affidavit of Franz Anton Gierlich of 9 May 1948 in which he states that reports to Geheimrat Schmitz of the kind of prosecution exhibit 2341 NI-15260 were only made at the time after 1 June, 1944.

36

(The first part of the affidavit which concerns itself with inaccurate passages in the copy of prosecution exhibit 2341 submitted to the witness Dr. Schmidt is no longer topical due to a stipulation between prosecution and defence in the afternoon session of 11 May 1948).

38

Affidavit of Franz Anton Gierlich of 9 May 1948. The witness comments on the rule enforced by German corporation law of quarterly reports of the DAG to the Aufsichtsrat with special reference to Prosecution documents NI-15163 and NI-15162

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DAG- No.	Doc. No.	Content of Document	Page
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39		Affidavit of Franz Anton Giesliche of 9 May 1948 in which the affiant states that copies of the reports made by the DAG under the heading "Finanzplan" to the financial administration central office of I.G. Farben were sent to Geheimrat Schmitz/as from 1944 - probably 1 April 1944.	44
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40		Affidavit of Willi Helfert of 4 May 1948. Helfert was procurist in the central finance administration of the I.G. until 1945. The affiant comments on kind and purpose of the so-called finance plan which was compiled at regular intervals based on regular financial reports of the combine companies prepared by him for perusal of Geheimrat Schmitz. The witness states, "In the finance plan I or my department only included round figures from the individual documents. Neither Geheimrat Schmitz nor Dr. Ilgner received any individual basic lists from me as, for instance, the financial reports of the DAG. I gave Geheimrat Schmitz the finance plan which I discussed with him; Dr. Ilgner received a copy of the finance plan without, however, discussing the matter concerned with me or my department."	45
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I herewith certify that all documents contained
in this document book correspond literally to
the documents submitted to the court.

Nuernberg, 5 April 1948

Dr. Rudolf Dix
Attorney-at-law

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AFFIDAVIT.

I, Dr. jur. Rudolf Schmidt, residing in Koeln-Marionburg, von Grootestrasse 36, know that I am liable to punishment if I make a false affidavit. I declare under oath that my statement corresponds to the truth and that it was made in order to be submitted as evidence to Military Tribunal No. VI (case 6 I.G. Farbenindustrie), Palace of Justice, Nuernberg.

On 1 September 1912 I entered the services of the Dynamit-Aktiengesellschaft formerly Alfred Nobel & Co., in autumn 1913 I was appointed Prokurist and on 1 April 1915 I was called into the Vorstand as a regular member. Since then I was a member of the Dynamit-Aktiengesellschaft formerly Alfred Nobel & Co. (DAG) without interruption until the middle of 1946.

In view of my official position and activity I had full insight in the connections between I.G. Farbenindustrie and the DAG.

Prosecution exhibit 1943 was submitted to me. Furthermore pages 8416 to 8423 of the transcript on the session of Military Tribunal No. 6 on 3 March 1948, afternoon, concerning the introduction and the probative value of the above-mentioned exhibit 1943 were submitted to me.

-1-

The document in question contains:

1. Contestation decision of the President of the District Finance Office Cologne of 3 September 1940,
2. Legal complaint of the DAG against this decision of 20 November 1940,
- 3/4. Written statements of the DAG to the Supreme Court of Finance of 20 September 1941 and 13 December 1941,
5. Letter of the Reich Minister of Finance to the Supreme Court of Finance of 23 October 1943,
6. Decision of the Supreme Court of Finance of 26 November 1943.

I see from the transcript of 3 March 1948, especially from the pages 8417 and 8418 that the prosecution based the justification for submitting this evidence from the files of the tax trial especially on the statement that the documents 2-4, which are also signed by me contain material which would be suited to cast shadows on the probative value of my affidavit of 1 December 1947.

To this I can state the following:

Until 1937 the finance office Siegburg, which was competent for us recognized us as an organization of the I.G. The consequence of this was that all accounts turned over between the I.G. and us were free of tax, furthermore that all accounts turned over by us were added to the accounts turned over by the I.G. and the taxes for these accounts were paid by the latter firm. In 1938 the finance office, after a detailed account and plant examination, contested the existence of such a far-reaching dependence of the DAG from the I.G. which would justify the assertion that we were an organization of the I.G.

It demanded turn-over tax for the amounts turned over between the I.G. and us and furthermore that our turn-over tax would be assessed independently and that we would have to pay these taxes to the finance office Siegburg. In order to save this turn-over tax for 1938 and all following years, which amounted to millions, we had to contest the assessment of the finance office Siegburg and had to prove that we were dependant from the I.G. in three respects, namely in the organizatory, financial and economic fields.

The finance office Siegburg rejected our contestation, thus could not be convinced of our dependance. We contested this decision. The President of the District Finance Office Cologne rejected our contestation; thus he too refused to accept our dependance. We submitted a legal complaint to the Supreme Court of Finance. We ourselves were surprised when this legal complaint was successful.

It is characteristic that the finance office Siegburg as well as the President of the District Finance Office Cologne objected to our statement that we were dependant from the I.G. to such an extent that we could be regarded as an organization of the I.G., because especially these 2 offices were fully familiar with the conditions prevailing in our firm and they had formed their judgment after thorough examinations and detailed discussions.

If one reads the above-mentioned applications of the DAG to the Supreme Court of Finance, which were also signed by but not drafted by me, one has to remember that they contained assertions made to the Finance Court by one party for a certain purpose.

They are biased, although every word contained in them is true.

The purpose of our application can be best seen from the fact that in civil proceedings we adopted an entirely different point of view. In 1931 -I cannot state the exact date because we no longer have any files about these proceedings- a shareholder called Daehn demanded to have our I.G. agreement annulled by asserting that "the accused, respectively the Vorstand and the Aufsichtsrat were nothing but organizations of the I.G. Farbenindustrie A.G., they were fully dependent from the I.G." To counteract that we stated that "the freedom of action of the Vorstand and the Aufsichtsrat of the accused was impaired in an inadmissible manner by the agreement." (I quote this sentence from the contestation decision of the President of the District Finance Office Cologne of 3 September 1940.) By stating these facts we were, as we expected, successful. The Reich Supreme Court rejected the application of Daehn to take legal action against us.

It was especially difficult to prove our dependence in the economic field during the proceedings in connection with the problem whether we had to pay taxes as an organization of the I.G. or not, because we had to admit that we were fully independent as far as the military sector was concerned and that we acted without consulting the I.G. In his contestation decision of 3 September 1940 the President of the District Finance Office states that Dr. Gajewski is Spartenleiter for

synthetic materials and explosives within the I.G. combine and continues; "however, as far as armament questions are concerned he has no influence whatsoever. Today the armament questions at the DAG are of special importance." And on another place: "Also the rest of the considerable armament business of the DAG is completely carried out by the DAG, independent from the I.G., so that it can definitely be stated that the DAG is economically independent in this branch of the business."

It would have been very pleasant for us and would have rendered our position in the proceedings much more favorable if we could have asserted that Dr. Gajewski was also able to exert influence in our firm in military matters.

When we based our dependence on the fact that we had to ask when investments over 10,000 RM were concerned, the reply was that we could have invested millions for military installations without asking anybody. In the above-mentioned applications, as well as in the decisions mentioned, our military business plays again and again an important part, because it was very difficult for us to invalidate the argument of the finance office that in our case there could not exist a complete dependence from the I.G., because we conducted such an important part of our business completely independently and without consulting the I.G.

I cannot understand as to how the applications which I also signed could be used to cast shadows on the probative value of my affidavit, because I cannot find any contradictions.

Document Book III DAG
DAG Document No. 28
Exhibit No.

I uphold the affidavits made by me in every respect.

Troisdorf, 19 March 1948

signed: Dr. jur. Rudolf Schridt
DR. JUR. RUDOLF SCHRIDT.

Document No. 349/1948.

I herewith certify the above signature of Dr. jur.

Rudolf Schridt, residing in Koeln-Marientburg, von Grootestr. 36,
which was made before me.

Siegburg, 19 March 1948

The Notary public:

signed: Hartmann
HARTMANN

Seal:

Dr. Max Hartmann

Notary public in Siegburg.

CERTIFICATE OF TRANSLATION

8 April 1948

I, S. A. HAMBURGER, ETO 20 062, hereby certify that I am
a duly appointed translator for the German and English
languages and that the above is a true and correct
translation of the original document.

S. A. HAMBURGER
ETO 20 062.

- 1 -

Affidavit.

I, Heinrich SCHINDLER, residing at Troisdorf, Kaiserstrasse 1, was informed that I am liable to punishment if I make a false affidavit.

I affirm hereby in lieu of an oath that the following statements were made according to my best knowledge and belief, and in order to be submitted as evidence to the American Military Tribunal in Nuernberg (Case 6).

On 1 April 1930 I have joined as chief engineer the Rheinisch-Westfaelische Sprengstoff-Aktien-Gesellschaft which was merged with the Dynamit-Aktien-Gesellschaft formerly Alfred NORDL & Co. (DAG) in 1931. At the fusion I was taken over in the same capacity by the DAG. I was given the title of a director at the beginning of 1937.

I still work as a chief engineer today.

I was informed that at the presentation of my affidavits from 19 December 1947

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concerning the production of powder and explosives, which were designed Defense Exhibits 13/I and 13/II, the prosecution had pointed out that these statements do not offer a clue why I am competent to make these statements and to give the figures contained therein. This is my attitude concerning this question:

The statements made by me in the above mentioned affidavits are based on my knowledge of connections and figures which I gained in my capacity as chief of the Sonderausschuss Sprengstoff (sub-committee Explosives) of the Hauptausschuss Pulver und Sprengstoff (Board for Powder and Explosives). I was appointed to this position when in 1942 the Sonderausschuss Sprengstoff, which belonged up to this time to the Hauptausschuss Munition (Board for Ammunition), was transferred, and in connection with this the late Generaldirektor Dr. Paul MULLER, chief of the Sonderausschuss till then, resigned from this position.

Leverkusen 24. February 1948.

sign. Heinrich SCHINDLER
(Heinrich SCHINDLER)

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The above signature of Dipl. Ing. Heinrich SCHINDLER,
was given today before me Herrns GIERICHS, Assistant Defence
Counsel at the American Military Tribunal in Nuernberg in case 6,
which I certify hereby.

Leverkusen 24. February 1943.

sign. Herrns GIERICHS
(Herrns GIERICHS)

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Affidavit.

I, Franz Anton GIERIGHS, residing at Spich ua/Trindorf,
Augustastrasse 15, know that I am liable to punishment if I make
a false affidavit. I affirm hereby in lieu of an oath that
the following statements were made to my best knowledge and
belief, and in order to be submitted as evidence to the American
Military Tribunal in Nuernberg (Case 6).

I have been working as a lawyer with the Dynamit-Lothungesellschaft
vormals Alfred NOBEL & Co.. (D/G) from 1 July 1936, and as
head clerk (Prokurist) from 1941.

I was shown the affidavit of Dr. Ernst A. STUBES from 25 February
1948 (Prosecution exhibit No. NI-14499) as well as the diagram
designed as Document No. NI-14273 which was mentioned in this
affidavit. I define my attitude regarding this diagram, in so far
as it shows the turnover "Ammunition D/G", as follows:

The turnovers shown in the aforementioned diagram in graphical form
as "Ammunition D/G" do not correspond with the actual turnover of
the D/G in the field of ammunition. On the ground of still existing
books of the D/G the following actual turnover of the D/G in the
field of ammunition during the years 1931 to 1943 are opposed to
the diagram (Document No. NI-14273):

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Actual turnover of the D/G in the ammunition field (In millions of Reichs- mark, round sums):	Turnover "Ammunition D/G" according to diagram (Do- cument No. NI-14273) (In millions of Reichs- mark):
--	---

1931	12	between	20 and 40
1932	9	ca.	20
1933	10	between	20 and 40
1934	17	"	40 and 60
1935	29	"	60 and 80
1936	31	"	80 and 100
1937	33	"	100 and 120
1938	38	"	120 and 140
1939	38	"	140 and 160
1940	37	"	160 and 180
1941	34	"	180 and 200
1942	42	"	200 and 220
1943	64	"	220 and 240

According to a note on the diagram (Document No. NI-14273) the data "Ammunition D/G" do not contain the military sector from 1941 up. In the above actual turnover of the D/G in the ammunition field the figures for the years 1941, 1942 and 1943 contain also the turnover of the D/G in ammunition for military purposes.

Troisdorf 19 March 1948.

sign. Franz Anton GIEBICHES.

Doc.No.35/1948.

I certify the signature, given before me, of Assessor Franz Anton GIEBICHES, residing in Spich ue/Troisdorf, Augustastrasse 15.

Siegburg 19 March 1948.

Notary Public:

sign. H. F. ELMANN

(Stamp) Dr. Max H. ELMANN, Notary
Public in Siegburg.

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Affidavit,

I, Heinrich SCHIMMEL, residing at Troisdorf, Kaiserstrasse 1, was informed that I am liable to punishment if I make a false affidavit.

I affirm hereby in lieu of an oath that the following statements were made according to my best knowledge and belief, and in order to be submitted as evidence to the American Military Tribunal in Nuernberg (Case 6).

On 1 April 1930 I have joined as chief engineer the Rheinisch-Westfaelische Sprengstoff-Aktiengesellschaft which was fused with the Dynamit-Aktien-Gesellschaft formerly Adolf NOBEL & Co. (I/G) in 1931. At the fusion I was taken over in the same capacity by the I/G. I was given the title of a Director at the beginning of 1937.

I still work as a chief engineer today.

Because of the above work I am familiar with the organization of the Dynamit A.G. and its subsidiaries and can therefore testify to the following:

The Vermittlungsstelle V of the I.G. Farbenindustrie was in no way competent for the Dynamit A.G. and its subsidiary firms. It was never used by my own sector, neither, so far as I know, by the other departments of the Dynamit A.G.

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On the contrary, the Dynamit A.G. had at its disposal an own Verbindungsstelle in Berlin which was used by the Hauptverwaltung (General management) in Troisdorf as well as by the particular factories for their business-dealings with military and civil control agencies in Berlin, like OKV, OKH, IMA, OKM, Armament Ministry etc. This Verbindungsstelle was located in the Shell Building at the beginning of the war and then moved to Lennstrasse 3 because of the increase of its tasks and, therefore, of its personnel.

The Verbindungsstelle was organized in such a manner that on request it could deal independently with some problems, e.g. problems of output, development in the ammunition field, personnel etc. In other cases it was used only as a message center for the correspondence with the central authorities in Berlin, and additionally, to get information, make appointments for meetings, request settling of urgent matters etc. Of course, the Verbindungsstelle was used in cases of trip dispositions and hotel accommodations in Berlin. The Verbindungsstelle was at the disposal of all the factories and persons of the Dynamit A.G. and of the subsidiaries.

Then there was in Berlin a special Verbindungsstelle of the Dynamit A.G. for the business of our firms and factories in Austria and in the Southeast.

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It was located in the house Siegmundshof and, in general, had the same tasks as the Lennestraße.

Leverkusen 24 February 1948.

sign. Heinrich SCHINDLER.

(Heinrich SCHINDLER)

The above signature of Dipl.Ing. Heinrich SCHINDLER, was given today before me, Hanna GIELICH, Assistant Defence Counsel at The American Military Tribunal in Nuernberg in case 6, which I certify hereby.

Leverkusen 24 February 1948.

sign. Hanna GIELICH.

(Hanna GIELICH)

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- 1 -

Affidavit.

I, Heinrich SCHINDLER, residing at Troisdorf, Kaiserstrasse 1, was informed that I am liable to punishment if I make a false affidavit.

I affirm hereby in lieu of an oath that the following statements were made according to my best knowledge and belief, and in order to be submitted as evidence to the American Military Tribunal in Nuernberg (Case 6).

On 1 April 1930 I have joined as chief engineer the Rheinisch-Westfaelische Sprengstoff-Aktien-Gesellschaft which was merged with the Dynamit-Aktien-Gesellschaft formerly Alfred NOBEL & Co. (DAG) in 1931. At the fusion I was taken over in the same capacity by the DAG. I was given the title of a director at the beginning of 1937.

I still work in the position of a chief engineer today.

In my afore mentioned position I had close contacts with the General-Direktor Dr. Paul MUELLER; I know therefore the happenings which resulted in the letter of Dr. MUELLER to Dr. GAJEKSKI from 22 October 1935. To this letter - document NI-13532, Exhibit 1936 - , which is shown to me, I declare the following:

There is the matter of careful, personal arrangements for the possible running of Tri and TS factories. There were needed for each of the three Tri factories a manager and three shift managers and two more chemists for a picric acid factory. After the Hoerreswaffenamt had imposed a careful choice of persons it was natural

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to think, as Dr. MUELLER did, of the nitrate subsidiary factories which produced intermediate products dispensable if things became serious. Dr. MUELLER expediently went via Dr. GAJEWSKI.

The manner of mobilisation preparation, however, envisaged by the Amt petered out soon. To my recollection there was only once a training of I.G. chemists for a few men in Schlebusch out of which nobody could be taken later on because I.G. itself needed them.

It can not be concluded from this letter that there was a continuous information of the I.G. about proceedings at the Dynamit A.G. which were connected with armament. On the contrary. Dr. MUELLER says only the absolutely necessary to substantiate his request. He speaks of 3 Tri factories for which 3 managers and 9 shift managers were needed and of two chemists for picric acid. He says nothing about the location of the factories and nothing about their capacity, data which he had absolutely to give if he wanted to inform Dr. GAJEWSKI even as a didline of the letter.
Troisdorf 25 March 1948.

sign. Heinrich SCHINDLER

Doc. Reg. 358 for 1948.

I certify the above signature, given before me, of Mr. Heinrich SCHINDLER, Director, residing in Troisdorf, Kaiserstrasse 1.

Notary Public:

Siegburg 25 March 1948
(Stamp)
Dr. Hlh. FOMER
Notary Public in Siegburg.

sign. FOMER

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Affidavit.

I, Heinrich SCHINDLER, residing at Troisdorf, Kaiserstrasse 1, was informed that I am liable to punishment if I make a false affidavit.

I affirm hereby in lieu of an oath that the following statements were made according to my best knowledge and belief, and in order to be submitted as evidence to the American Military Tribunal in Nuernberg (Case 6).

On 1 April 1930 I have joined as chief engineer the Rheinisch-Westfaelische Sprengstoff-Aktion-Gesellschaft which was fused with the Dynamit-Aktion-Gesellschaft vormals Alfred NOBEL & Co. (DAG) in 1931. At the fusion I was taken over in the same capacity by the DAG. I was given the title of a director at the beginning of 1937.

I still work in the position of a chief engineer today.

In my aforementioned position I got acquainted with the facts mentioned in document XI-13533 which was shown to me. To which I declare the following:

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The exhibit is concerned with

- 1.) E-Hexogene
- 2.) Raw material problems.
- 3.) regular nitro-cellulose distribution.
- 4.) Solvent powder.

(d 1.)

E-hexogene was developed in Rottweil for civilian purposes as an addition to powder for hunting and sports purposes. Shortly before the war construction of a plant with a capacity of 100 tons per month was planned. I.G. detached itself from this purely military project. The plant was to be an independent factory with an own power plant, still it had to be constructed according to camouflage directives in a forest and in a dispersed manner. Therefore a lot in the vicinity of an existing factory had to be found which was located far enough from the Reich border. Waste water and other technical problems had to be considered. Southern Germany was suitable because of possibilities of supply with acetic anhydride by the firm Töcher. As a result of all these considerations I.G. Balingen had to be chosen almost compulsorily; it could supply steam and current and over its siding the new factory could be supplied, too. There were also the other conditions. If the proper conditions were given another plant, not belonging to the I.G. could have been chosen instead of Balingen. The small building project did not make it worthwhile to install

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an own construction management. This resulted in an dependency on Bobingen in organisation matters inasmuch as the technicians of the I.G. were working at the construction in personal union on behalf of the D.G. The expenses of the construction of the plant were met by the Reich. The taking over of the expenses by the D.G., discussed at first, was refused. The plant which started to operate during the war was established as a limited company for the utilization of chemical products; at first the director of Bobingen held the position of a manager of the limited company. This personal union was dissolved by the retirement of the old I.G. factory director and the limited company and the I.G. had then only the indispensable connection through steam, current and railroad siding.

The mentioned 100 tons per month factory which would have become independent from the I.G. from the very beginning, neighboring the 100 tons per month plant, with own power plant, never went beyond the stage of projects and the construction of foundations for some buildings because the E-process was found uneconomic. Instead of it the also mentioned SH-hexogen factory was constructed; this process had no connexion whatsoever with the I.G. from the very beginning. The 100 tons per month plant was also converted during the war to a more economic process the so called K.-process which like SH was developed outside of the I.G.

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Id 2.)

Considerations concerning preliminary products like hexamine, toluol etc. belong, of course to the tasks of the I.G.

Id 3.)

The participation of Rottweil in the regular distribution of nitro-cellulose was discussed shortly but then quickly refused. This happened already during the war. The participation in the nitro-cellulose distribution is taken over by the D.G i.e. Dr. FANTER.

Id 4.)

On the other hand Dr. FINK was assigned to I.G. Rottweil during the war to take over the preparation of key personnel for the two solvent factories of the limited company, Ebenhausen and Kaufbeuren. The D.G had nobody for this purpose and it was but natural that it approached for this reason Dr. GJESKI who was in charge of Rottweil where also solvent powder was produced. Also, the relative proximity of Rottweil, Ebenhausen and Kaufbeuren was favorable. This task was assigned to Dr. FINK in 1940 when the D.G had to make arrangements for the personnel for the factories starting to operate, gradually. Some particular field of work, e.g. nitro-cellulose, explosives, detonators, were assigned to special D.G men, called special branch chiefs (Spartenleiter) who managed the respective plants. They had either to employ key personnel, chemists, master foremen, foremen, or to train them or, if feasible, to detach them from their plants.

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The D/G was able to find adequate special branch chiefs in its own plants with the exception of the solvent powder, that was the reason for approaching Dr. GAJEKI. The close collaboration between Rottwell and D/G, mentioned in the correspondence, consisted in the fact that Troisdorf always had supplied nitro-cellulose for the production of powder for hunting and sports purposes in Rottwell, that D/G obtained most of Rottwell's production for its factory Stadeln, where hunting and sports ammunition was produced, and that the RW, a sales company of D/G, effected the sales of the Rottwell powder.

All the points mentioned in the document are not typical for the relationship D/G - I.G. but they represent individual cases in which occasionally a closer connection between offices of I.G. and D/G evolved for reasons of expediency both as regards organisation and technical matters. Besides these incidents occurred partly during the war.

Troisdorf 16 March 1948.

sign. Heinrich SCHINDLER
Heinrich SCHINDLER

The above signature of Director Heinrich SCHINDLER, Troisdorf, was given today before me, Carl WEYER, Assistant Defence Counsel at The American Military Tribunal in Nuernberg (Case 6), which I certify hereby.

Leverkusen 16 March 1948.

sign. Carl WEYER
Carl WEYER.

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CERTIFICATE OF TRANSLATION

8 April 1948

I, Stanislaw S. Feldman ETO 1043, hereby certify that I am a fully appointed translator for the German and English languages and that the above is a true and correct translation of document book III D/G.

Stanislaw S. Feldman

ETO 1043.

AFFIDAVIT.

I, Friedrich DUEHRING, residing at Bad Godesberg-Mehlen, Viktor Schmitzstrasse 1, have been duly warned that I render myself liable to punishment by making a false affidavit. I herewith declare under oath that the following statements correspond to the truth to the best of my knowledge and belief and were made in order to be submitted as evidence to the American Military Tribunal at Nuernberg (case VI).

I started employment with the Dynamit A.G. on 1st November 1918 in the capacity of buyer. On 1st January 1936 I was appointed chief of the Chemical Buying Department (Abteilung Einkauf Chemie). On 1st March 1942 I was appointed Prokurist. In this capacity I am still working with the DAG today.

The document number HI-13571, Exhibit 1940 has been submitted to me. The incidents mentioned therein were known to me at the time in my capacity of Head of the chemical buying department, and I give my comments on them as follows:

As far as all buying matters were concerned we did business with the IG as with any other supplying firm. This is mainly proved by the fact that there was no special price schedule (Verrechnungspreis) between us and the IG, but that all prices were calculated in accordance with commercial principles. In the case concerned the IG had definitely delayed their deliveries of sulfuric acid and we felt ourselves bound in duty to apply to the Reichsstelle Chemie, after direct negotiations with the IG had proved in vain. Such cases as the one submitted here occurred quite often and we used the same ways and means to obtain our ends if the supplying firm in question was the IG as in the case of any other supplying firm.

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If, as happened in this case, the Head of our Konzern, Director General Dr. Paul MUELLER, took up direct negotiations with Director Dr. MEISTER, this was done because the 2 gentlemen know each other and Dr. MUELLER attached importance to taking up this matter, which he considered sufficiently important, personally with the competent member of the Vorstand of the IG. Nothing more than that happened in this case either. The fact, that when the IG delayed their deliveries we applied, as was our duty, to the Reichsstelle appointed for that purpose, proves that the IG was accorded no preferential position among our supplying firms.

Troisdorf, 25 March 1948

signed: Friedrich DUEHLING

Document Roster No. 357/48

The above signature of Friedrich DUEHLING, residing at Godesberg-Mehlen, Viktor Schnitzlerstrasse 1, is acknowledged and certified by me.

Siegburg, 25 March 1948

The Notary Public
signed: Dr. ROEMER

Dr. Wilhelm ROEMER
Notary Public at Siegburg
(stamp)

AFFIDAVIT,

I, Waldemar von WUENSCHE, residing at Vienenburg, district Goslar, Burgweg 1, know that I render myself liable to punishment by making a false affidavit. I declare under oath that my statement corresponds to the truth to the best of my knowledge and belief and was made in order to be submitted as evidence to the Military Tribunal at the Palace of Justice at Muenster.

At the OKW there was a special group - III G - attached to the Foreign Counter Intelligence Department III (Ant Ausland - Abwehr Abt. 3) which had to submit their unbiased opinion to Courts of Justice and authorities in cases where there was a question of any action having infringed the secrecy regulations as laid down by the legal directives concerned (Article 98 - 99 Reich Penal Code and Article 92 Military Penal Code) or any other instructions issued for purposes of preserving secrecy in the interest of the country's defense. This office - Ant Ausland - Abwehr III G - was the only office which was entitled to give such military expert opinions. "Counter - opinions" as are usual in civil law suits and which may sometimes represent 2 or more different points of view, were out of the question.

I was Chief of Group III G from 1935 up to the collapse. In view of these my activities, which gave me an insight into the entire field of secrecy regulations and all matters connected with these, I consider myself justified in giving my expert comments on the question whether, and to what extent, leading personalities in the

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various enterprises of the German economy were allowed, or obliged, to know about the Wehrmacht commissions and the Wehrmacht production in their entirety, as well as about other matters coming under the secrecy regulations, such as secret patents, development commissions, figures showing production capacities, and turnover figures.

In order to obtain a correct picture and a correct evaluation of all the questions concerned one must:

- a) consider the methods of procuring information
- b) consider the measures taken to prevent foreign countries from procuring information,

as far as these considerations are necessary from the point of view of the present discussion.

There was no doubt that, apart from espionage in its proper sense, the foreign intelligence service exploited to the full the well-known faults of talkativeness, boastfulness, and desire for appreciation, as their - perhaps most important - source of information with regard to the German re-armament and military production. All circles might be concerned in this, from the most high-ranking officer down to the youngest recruit, from the Director General down to the simple worker. Thus espionage in society circles as well as espionage conducted in vehicles of transport or entering establishments, was regarded as a fruitful source of information.

All offices who were entrusted with the task of combatting the foreign intelligence service realized clearly that this negligent giving-away of state secrets constituted a source of danger and had to be prevented partly by precautionary measures of instruction and other methods, partly by punishment after the offense had been committed on the basis of the corresponding legal regulations.

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The most important legal provisions were :

Article 90 A

Anyone who gives away a state secret to anybody else and by this his negligence endangers the safety of the Reich will be punished by imprisonment.

Anybody who attempts to obtain information on a state secret and by this his negligence endangers the safety of the Reich will be equally punished.

Article 90 a

Anybody who negligently gives away to anybody else a state secret to which he has access by reason of his office or position, or by reason of his being entrusted with an official commission, will be punished by a term of imprisonment up to 3 years.

Article 92 b

Anybody who infringes an order or prohibition issued by the Reich government for purposes of safeguarding the country's defense will be punished by a fine.

If the offense is committed at a time when the Reich is waging a war or at a time when the danger of war is imminent, the punishment will consist in a term of imprisonment.

However, the responsible authorities clearly realized that indiscretions which had been committed could only be atoned for by punishment, but could not be made undone. Therefore they knew that the aim of the measures taken had to be to avoid from the very start any negligent giving-away of important military secrets.

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Even in peacetime, before 1939, the military office adopted the most various measures in order to achieve this aim. Such measures were:

1. A detailed - and frequently repeated - instruction of all troop units, staff members, industrial plants etc., by specially trained officers with regard to the necessity of observing secrecy towards all persons who were not concerned with military institutions, planning, or with the manufacture of important military articles.
2. A far reaching camouflage of the Wehrmacht manufacture, thus keeping the final use of the articles produced secret from the manufacturing firms. Binding the firms and persons participating in the finishing process to strictest secrecy.

Thus, even before the outbreak of war the tendency to observe secrecy with regard to important military matters existed, and its effect was that in the larger concerns the Controlling Company (Dachgesellschaft) mostly only knew in very broad outlines about the nature of the Wehrmacht manufacture and the experiments carried out.

After the outbreak of war new measures for observing secrecy were added:

3. The method of distributing the manufacture of the individual parts widely among different manufacturing firms, so that the individual manufacturing firm was still less in a position to recognize the complete implement for which the individual parts were designated;

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in connection with this, a method of far-reaching deception concerning the final purpose. Thus, several thousands of firms participated in the manufacture of the V-3 weapon.

4. Issuing of a "basic order" by the Fuehrer. This "basic order" which was issued soon after the outbreak of the war read as follows:

Basic Order.

1. Nobody: No office, no officer, may obtain knowledge of any secret matter if it is not essential for official reasons that they should obtain such knowledge.
2. No office and no officer may be told more about a secret matter than is absolutely essential for the carrying-out of their task.
3. No office and no officer may obtain knowledge of a secret matter or of that part which it is essential for them to know at an earlier time than is absolutely necessary for the carrying-out of their task.
4. The thoughtless passing on of orders regarding which the observance of secrecy is of decisive importance on the basis of some general distribution lists, is prohibited.

signed: Adolf HITLER

This order was issued to the Wehrmacht in the first instance. From the general version of the "basic order", which had to be posted up in every business office, a number of questions evolved which had a far-reaching effect on the military office routine, on the relations between Wehrmacht and industry, and on the industry itself.

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The "basic order" could have provided an effective fundament for the threatened punishments and the above-mentioned various measures aiming at the prevention of a negligent betrayal of important military matters, and it might have supported the precautionary steps taken. But no supplementary instructions to the "basic order" were issued. Thus the following questions - only to mention a few which had a certain importance in this connection - remained in abeyance:

Did the term "office" (Dienststelle) include the smallest office, or from what grade of office onwards did the term "office" (Dienststelle) mentioned in the "basic order" apply? Further: An office included officers and other ranks and employees. If an office was allowed, or obliged, to have knowledge of a secret matter, should some officers of this office be excluded? (This question might possibly evolve from No. 3 of the "basic order"). Why were only officers mentioned, what about the other ranks and the employees? Who was to limit the extent of the knowledge, who was to define the term "necessity of official knowledge", who was responsible for fixing the date when the information should be passed on to an office or an officer? As many words as there were in the "basic order" as many difficulties and as many obscurities with regard to definition and interpretation of terms evolved. The result of these obscurities was that every office chief and every officer interpreted

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the individual points of the "basic order" in the way he thought right, a procedure which, on the one hand resulted in some quite sane, sensible and unbiased steps being taken but, on the other hand, also led to personal ambition, desire for appreciation, unnecessary secretiveness, and lack of understanding for practical necessities, playing a part in the interpretation and application of the "basic order".

On the basis of my observations I can say that the general trend of the measures - the sensible ones as well as the wrong ones - which were adopted by offices and officers in accordance with the "basic order" was such that the "basic order" which further intensified and gave the strictest written instructions for, a practice which had already started in peacetime and had been very strictly observed even then, was interpreted very carefully and literally, and that offices and officers, in accordance with the "basic order", kept their knowledge, and in particular their plans, secret from other offices.

This seclusion and isolation which was now the official order of the day by reason of the Fuehrer decree and which was treated as a provision of law, also had some doubtful effects. It sometimes resulted in various offices working without inter office communication on the same lines of thought; thus, experiences were not passed on to agencies equally interested in the matters concerned; thus, also, some offices kept their activities secret from their superior offices. All this was done in the name of, and under cover of, the "basic order".

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I would like to quote an example to illustrate what I have said: In accordance with the "basic order" the office which was entrusted with the manufacture of the V-2 weapon kept this fact secret from the counter-intelligence department (Abwehrabteilung) and the counter-intelligence office of the competent corps headquarters, the expert staff of which should by order have seen to the precautionary counter-intelligence measures; this went on until very regrettable indiscretions occurred which might perhaps have been prevented by the careful precautionary measures of the counter-intelligence experts.

Soon after having been issued to the Wehrmacht the "basic order" was also extended to the civilian sector, and there, too, it intensified the already existing, very strict, secrecy regulations. The closely interlaced connections between military offices and industrial enterprises necessarily resulted in the fact that such a concentrated basic order, the fundamental principles of which had already been applied in peacetime and which was now most carefully obeyed within the Wehrmacht, was equally extended to the entire field covered by the agencies of the economic set-up connected in some way or other with the Wehrmacht. This was inevitable if the order was not to lose all chances of success by reason of applying to the Wehrmacht alone. Thus the seclusion, isolation, and secretiveness, which were covered and ordered by the "secret order", together with their beneficial but also with their doubtful consequences, were widely practiced in industrial enterprises as well. In industry also they resulted in enterprises of a similar nature working in the same fields without communicating with each other, and the effects were the same as in the case of the Wehrmacht offices.

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The demands of the "basic order", in connection with the instructions of military agencies resulting therefrom, made it inevitable that the individual departments of a big plant now kept their manufacture and their plans even more secret from other departments, and that they only informed, or were only allowed to inform, the superior plant management in very broad outlines about what was happening, being constructed, or being planned, within their own plant. If by reason of the military demands which were made in the name of the "basic order", and even before that, by reason of the above-mentioned legal provisions relating to the observance of secrecy in the case of state secrets, such procedures had become possible even within the individual plants the effect of these demands and of the "basic order" within the Konzern was necessarily the same, or even more intensified. If subsidiary companies did not consider themselves justified in giving information to the superior offices about the manufacture and plannings of a secret military nature with which they had been entrusted, or about production capacity figures and turnover figures relating to important military products etc., but were induced by the demands of their military employers to keep these matters secret from their superior offices, then this procedure only followed the lines which had been laid down by the "basic order", and which had even previously applied in principle.

There can be no doubt on the point that the existing secrecy regulations, in as far as they were in contrast to the rules governing joint-stock companies or to the provisions contained in the companies' articles of associations, took procedure over the latter. Thus, if for example the business rules of a Vorstand imposed the obligation on the individual Vorstand member

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to submit all important matters pertaining to his field of activities to the whole Vorstand for information and approval, this rule would not have saved him from penal proceedings if, by reason of it, he had informed his colleagues about Wehrmacht commissions with which he had been entrusted, new manufacturing processes, or production capacity figures and turn-over figures, relating to important military articles, thus violating the secrecy regulations to which he had been bound. Sometimes the rules governing joined stock companies or other provisions which were in contrast to the secrecy regulations were explicitly cancelled, say, by new directives, which provided for continuously increasing restrictions on information made public in the annual business report, the reports submitted to the Aufsichtsrat or to other agencies. Partly, however, no explicit instructions were given as to how matters should be handled, but the individual was made responsible for seeing to it that no infringement of the secrecy regulations occur in connection with the handling of his business. As the punishments threatened were extremely severe, it is understandable that the greatest caution was exercised within the industry, and that people preferred rather to be cautious than to expose themselves to the danger of penal proceedings or even state police measures. I can state on the basis of my experiences that measures against employees in leading positions who had violated the secrecy regulations became necessary and even led to convictions.

In view of my familiarity with all the matters discussed above, I consider it out of the question that the Vorstand of a large enterprise, such as the IG Farbenindustrie Aktiengesellschaft, received detailed information about matters concerning subsidiary companies

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of the first or second degree which were bound to secrecy because military offices were interested in their activities; I consider it out of the question because this would have meant a violation of the secrecy regulations. The same applies to incidents occurring within the companies themselves; for the individual Vorstand members, as I have already mentioned, were only allowed to speak to their colleagues about special secret measures if it was essential that the latter should be officially entrusted with the carry-out of these measures. Only this point of view was decisive for the extent of information permissible, and not obligations resulting from other aspects of the matter, as for example from provisions governing joint stock companies contained in the rules of procedure, issued by the Vorstand, or by the Aufsichtsrat, or from similar directives, for the secrecy regulations took precedence over everything else.

Vionenburg, District Goslar, 13 March 1940.

signed Waldemar von MUENCH

I herewith confirm and certify the above signature of Waldemar von MUENCH, residing in Vionenburg, Lurgweg 1., who was identified by me, the Notary Public, Dr. Fritz MATZELT, at Goslar/Harz.

No. 52 of the document roster for 1940

Goslar, 13th March 1940

signed Dr. Fritz MATZELT (seal)

Bill of costs

Business value	RM 3,000.—
fees in accordance with	
Art. 39 of fee regulation	RM 4.—
Office fees	RM 0.50
Turnover tax	RM 0.15
total	RM 4.65

signed Dr. MATZELT
Notar Public

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CERTIFICATE OF TRANSLATION

8 April 1948

I, Julia KERR, Civ.No. BTO 20 105, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of original document.

Julia KERR
Civ.No. BTO 20 105

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A F F I D A V I T .

I, Franz Anton EIERLICH, present domicile Spich near Troisdorf, 15 Augustastrasse, having been duly informed that I render myself liable to punishment if I make a false affidavit, herewith state in lieu of oath that the statements contained herein are made according to my best knowledge and conscience, that they represent the whole truth and that they have been made in order to be submitted to the American Military Tribunal in Nuernberg, Case VI, as evidence.

I have been employed in the Dynamit-Aktion-Gesellschaft formerly Alfred Nobel & Co. (DAG), since the first of July 1936 as legal advisor and since 1940 I have been prokurist of this company. Since I started my activity in the Vorstand Secretariat of the DAG on 1 January 1937, I have been informed currently about the entire business correspondence dispatched at the Secretariat of the Vorstand of the DAG, these letters being either signed by one of the members of the Vorstand personally or in case of official correspondence of the firm they bore two signatures. This was done in the following manner: A so-called second copy was made of all letters signed in the Secretariat of the Vorstand of the DAG. While the first one, the so-called original copy, was filed in one of the offices it passed through, the second copies were collected and circulated in the offices of the three members of the Vorstand, as well as their assistants in the Secretariat of the Vorstand in order thus to guarantee that all members of the Vorstand, i.e., the Secretariat of the Vorstand, received full information of their content matter. These second copies were only filed when they had been initialed by all those who were to take note of their content so that even in cases of absence on account of official trips or leave all concerned were informed. In addition to this, with the aid of this duplicate copy,

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every outgoing letter was entered by a member of the Vorstand Secretariat into the mail register which was kept in the Secretariat of the Vorstand.

Hence, I have been informed about the entire official correspondence of the Secretariat of the Vorstand of the DAG since 1 January 1937.

I have been informed by the Defense in Case VI against Krauch, et al, that the Prosecution during the cross examination of the Defense Witness Dr. Schmidt has introduced document NI-15215, Prosecution Exhibit 2340. The record of this session before the Commissioner of Tribunal No. VI of the afternoon of 30 April 1948, has been shown to me. The named Prosecution Exhibit is an affidavit which I have made, concerning this state of affairs, by request of the Prosecution to the effect that the copy of a letter of the DAG of 14 May 1937 addressed to the I.G. concerning "Verwertchemie" can no longer be found in the files of the Secretariat of the Vorstand of DAG. As I see from the record submitted to me, the Prosecution, in connection with the submission of Prosecution Exhibit 2340, put a question to the witness as to whether this affidavit did not refresh his memory so that now he would be able to remember that in 1937 extensive correspondence took place between DAG and I.G. Farben concerning the activities of "Verwertchemie". Looking through the mail register of the Vorstand Secretariat of the DAG for the time from 1 July 1936 until 31 December 1937 I can state that according to this, apart from the letter of the DAG to the Finance Central Administration of I.G. of 14 May 1937, mentioned in Prosecution Exh. 2340, only two further letters were addressed to I.G.

Farben agencies which, according to their subject reference, concern "Verwertchemie". My investigation proved that the copies of these two letters are no longer in the Vorstand Secretariat. The first letter, dated 23 Jan. 1937, is addressed to Herr Dr. Frontzol of the Central Tax Department of the I.G. Farben in Frankfurt/Main and bears the reference "G.m.b.H. for utilization of chemical products/theory or organic chemistry". The second letter, dated 26 May 1937;

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is addressed to Dr. Krueger of the Central Finance Administration of I.G. Farben, Berlin NW. 7 and bears the reference "Export Promotion, Tax/G.m.b.H. for evaluation of chemical products". From the destinations of these two letters and from the subject matter, it becomes evident that the first mentioned letter dealing with a question of tax addresses the Central Tax Department of I.G. Farben while the second letter dealing with export promotion tax imposed by the State addresses the competent Central Finance Administration.

I would like to say generally that also, during the later years, correspondence between DAG and I.G. Farben concerning questions of "Verwertchemie" never increased to a larger amount than at the time when I was in charge of auditing. In addition to this, I can state that if indeed there was any exchange of ideas between DAG and I.G. concerning Verwertchemie, at all, — as in the two preceding pages — it was always a matter of one topical problem; we tried to benefit for our own process from the experiences of the competent I.G. Farben departments working on the same subject.

I can state with authority that no correspondence took place between the Vorstand of the DAG and I.G. Farben which contained any information concerning the use of Verwertchemie on the armament sector as its subject.

Nuernberg, 9 May 1948.

Franz Anton GIERLICH

The preceding signature of Franz Anton Gierlich, living in Spich near Troisdorf, 15 Auguststrasse, whose identity is herewith confirmed by me, Carl Meyer, is herewith certified and confirmed.

Nuernberg, 9 May 1948.

CARL MEYER

Assistant Defense Counsel.

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A F F I D A V I T .

I, Franz Anton GIERLICH, present domicile Spich near Treisdorf, 15 Augustastrasse, having been duly informed that I render myself liable to punishment if I make a false affidavit, herewith state in lieu of oath that the statements contained herein are made according to my best knowledge and conscience, that they represent the pure truth and that they have been made in order to be submitted to the American Military Tribunal at Nuernberg, Case VI, as evidence.

I have been employed in the Dynamit-Aktion-Gesellschaft formerly Alfred Nobel & Co. (DAG), since the first of July 1936 as legal adviser and since 1940 I have been Prokurist of this company. The Defense in Case VI of the Military Tribunal Nuernberg have submitted Document III-15260, Prosecution Exhibit 2341, to me as well as the records of the cross examination of the Defense Witness Dr. Schmidt in the afternoon session before the Commissioner of Military Tribunal No. VI of 30 April 1948. My comment on this is the following:

According to the mentioned record the witness Dr. Schmidt, has been questioned, in connection with Prosecution Exhibit No. 2341, as to whether I.G. Farben had granted credits for Verwertchemie. In this connection the Prosecutor has drawn the witness' attention to the fact that, according to Prosecution Exhibit 2341, I.G. Farben had had a credit balance of RM 68,838,000 with Verwertchemie. This fact caused me to compare the copy of Prosecution Exhibit 2341 submitted to me with the original document which is among the files of the Main Audit Department of the DAG in Treisdorf because the fact that I.G. Farben should have a credit balance with Verwertchemie amounting to RM 68 million seemed to me to be impossible. The comparison of the original with the copy submitted by the Prosecution on 30 April 1948 revealed, apart from five other mistakes which are of no importance in this connection.

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the following other essential inaccuracies: Paragraph 5 of the original reads:

"5.) Account of the G.m.b.H. for utilization of chemical products the G.m.b.H. has an account of RM 68,838,400.--"

while Paragraph 5 of the introduced Prosecution Exhibit reads as follows:

"5.) Account of the G.m.b.H. for utilization of chemical products I.G. Farben has an account of RM 68,838,000.--"

I would like to make the following statement: This document does not speak of an account of approximately RM 68 million which I.G. Farben had with the Verwertchemie, but it speaks of such an account which the Verwertchemie had with DAG. I herewith add a copy of the original document which is contained in the files of the Audit Department of DAG in Treisdorf and confirm that it is an exact copy of the original.

According to my own memory, as well as information received, especially from the Chief of the Audit Department of DAG, the Verwertchemie was granted and used the same payment condition for their supplies, I.G. Farben, which is granted and used by all customers. Apart from this special credits were not granted by I.G. Farben to Verwertchemie.

Moreover, Verwertchemie did not participate in the payment clearing existing for the firms of I.G. Godesine. I furthermore confirm that, according to information received by going through the files of the Auditing Department of DAG, reports of the kind of Prosecution Exhibit 2341 were only sent to Geheimrat Schmitz after 1 June 1944.

Nuernberg, 9 May 1948.

FRANZ ANTON GIERLICH

DAG Document No. 37

Exhibit No.

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The preceding signature of Franz Anton Gierlich, living in
Spich near Troisdorf, 15 Augustastrasse, whose identity is
herewith confirmed by me, Carl Meyer, is herewith certified
and confirmed.

Nuernberg, 9 May 1948.

CARL MEYER

Assistant Defense Counsel.

C o p y 1

Registered 1

To
Geh.rat Dr. H. Schmits,(17a) Heidelberg.
5 Schloss Wolfsbrunnweg

(22)

4 September 1944

Main Auditing Department

Financial Position 1 September 1944

Upon your request we herewith send you the figures for 1 September 1944:

- 1) Bank Balance

Deutsche Landesbank A.G., Berlin	RM 3.731.399.—
Reichsbank, Köln	" 4.066.246.—
Kreisgenossenschaft Troisdorf	" 421.528.—
Westfälische Bank A.G., Bochum	" 42.459.—
Postcheckkonto, Köln	" 146.945.—
	<u>RM 8.408.577.—</u>
- 2) Stable Funds

reserved by Landesbank for amortizations
due on 30 September 1944 at the G.m.b.H. for
utilization of chemical products

RM 57.000.000.—
- 3) Bank debts

none
- 4) I.C. Clearing Account

our credits from which the deliveries
as of 1 July still have to be deducted

RM 47.711.000.—
- 5) Account of the G.m.b.H. for utilization
of chemical products .
The G.m.b.H. has credits amounting to

RM 68.838.000.—
- 6) Amounts outstanding in dealings with the
Mehrmacht with DAG

RM 56.548.000.—

with the G.m.b.H.

"124.619.000.—

With German Greetings

DYNAMIT-ACTIE-G.E.S. ELSCHAFT
formerly Adolf Nobel and Co.

AFFIDAVIT

I, Franz Anton Gierliche, resident in Spich ueber Treisdorf, Augustastr. 15, know that I shall render myself liable to punishment by making a false affidavit. I herewith declare on oath that the information given below is true to the best of my knowledge and belief and was made in order to be submitted as evidence to the American Military Tribunal in Nuremberg (Case 6).

I was a lawyer with the Dynamit-Action-Gesellschaft, formerly Alfred Nobel & Co. (DAG) from 1 July 1936, and Prokurist of this company after 1940.

I have been asked by the Defense to give my opinion, taking into consideration Prosecution documents NI-15163 and NI-15162, in an affidavit, on the DAG's quarterly reports to the Aufsichtsrat, made in accordance with German corporation law.

On the basis of my work in the Secretariate of the DAG Vorstand from 1937 onwards, and on the basis of what I established in the data in this connection, I am able to state the following:

Up to and including 1943, the quarterly report of the DAG Vorstand as defined in the supervisory functions incumbent on the Aufsichtsrat was brought to the attention of all the members of the Aufsichtsrat. After the end of 1943, this report was made to the chairman of the Aufsichtsrat only and not brought to the attention of the other members. Up to the middle of 1938, Herr Dr. Max v. Schinckel was chairman of the Aufsichtsrat. At this point his successor was Geheimrat Schmitz. Thus Geheimrat Schmitz received the quarterly report as chairman of the Aufsichtsrat for the first time for the 2nd quarter of 1938, as shown in the DAG Vorstand's letter to Herr Geheimrat Schmitz, dated 24 September 1938, Document No. NI-15163.

With reference to the orders given to the D/G, even these quarterly reports made only to the Aufsichtsrat chairman were restricted from the 3rd quarter on to the announcement of the sales of D.G. and its Konzern companies and also the personnel figures of the D.G. and its affiliated companies. These personnel figures were then given separately only for the D.G. on the one hand and for the affiliated companies in a lump sum on the other hand. Only after the outbreak of war, that is not until the estimates for the 2nd quarter of 1939, sent out on 2 October 1939, was the personnel figure for ^{Verwertchenie} listed separately from those of the affiliated companies, as is shown in Prosecution Document NI-15162. The sales surveys sent to Geheimrat Schmitz as Aufsichtsrat chairman from the 2nd quarter of 1938 onwards contained merely sales figures according to value, so that from these surveys, the sales as far as quantity is concerned could be understood neither in toto nor for the individual products.

Nuremberg, 9 May 1948

FRANZ ANTON GIERLICH
(signed: Franz Anton Gierlich)

I herewith certify and witness the above signature of Franz Anton Gierlich, resident in Spich über Trilsdorf, Augustastr. 15, whose identity was established by me, Carl Weyer.

Nuremberg, 9 May 1948

CARL WEYER
(signed: Carl Weyer)
Assistant Defense Counsel

AFFIDAVIT.

I, Franz Anton Gierlichs, resident in Spich ueber Trisdorf, Augustastr. 15, know that I shall render myself liable to punishment by making a false affidavit. I herewith declare on oath that the information given below is true to the best of my knowledge and belief and was made in order to be submitted as evidence to the American Military Tribunal in Nuremberg (Case 6).

I was a lawyer with the Dynamit-Actien-Gesellschaft, formerly Alfred Nobel & Co. (DAG) from 1 July 1936, and Prokurist of this company after 1942.

On examination by the Defense I have established whether, and if so, since when a copy of the DAG reports made to the Central Financial Administration of the I.G. under the heading " Financial Planning " was given by DAG to Generalrat Schmitz as well. According to information from the chief of the DAG Main Accounts Dept., such copies were not sent to Herr Schmitz in Heidelberg until 1944, probably from 1 April 1944 onwards.

Nuremberg, 9 May 1948

FRANZ ANTON GIERLICH
(signed: Franz Anton Gierlichs)

I herewith certify and witness the above signature of Franz Anton Gierlichs, resident in Spich ueber Trisdorf, Augustastr. 15, whose identity was established by me, Carl Weyer.

Nuremberg, 9 May 1948

CARL WEYER
(signed: Carl Weyer)
Assistant Defense Counsel

AFFIDAVIT

I, Willi Helfert, resident in Ludwigshafen am Rhein -Friesenheim, Leopoldstrasse 25, state and declare - having been warned that I shall render myself liable to punishment by making a false affidavit - that my affidavit is true and that I declare the following for submission as evidence before Military Tribunal VI, Palace of Justice, Nuremberg, Germany.

From 1917 onwards I was employed by the I.G. Farbenindustrie Aktien-gesellschaft, or before the merger in 1925 the Badische Anilin- und Soda-Fabrik, Ludwigshafen am Rhein. I belonged to the Finance Dept. or later the Central Financial Administration, Berlin, from the time of its formation. In 1934 I was made Prokurist of the I.G. Farbenindustrie Aktiengesellschaft. From 1937 onwards I was responsible department chief (V.a.) and from about 1940 at the same time Betriebsführer's deputy within the meaning of the law for the Organisation of National Labor. On the basis of my post and of my years of work in I.G. Berlin NW 7, I am in a position to make the following statement:

After the period of the economic crisis in 1929, the Finance Dept. Berlin, later the Central Financial Administration, drew up a financial plan for the whole I.G. Konzern, i.e. for the I.G. and all firms which stood in any financial relationship to the I.G. These firms sent regular financial reports or other information helpful to the drafting of the financial plan to the Finance Dept. Berlin, or the Central Financial Administration, for this purpose.

Since the Dynamit-Aktien-Gesellschaft, formerly Alfred Nobel & Co., Troisdorf, had since 1926 had a dividend guarantee agreement with the I.G. Farbenindustrie Aktiengesellschaft and thus belonged to that group of firms which

were in some way financially connected with the I.G., D&G Troisdorf, like many other Konzern firms, sent regular financial reports to the Central Financial Administration.

The purpose of the finance plan, which was first set up in 1939 in connection with the I.G. economy measures, was to obtain a survey of the probable receipts and expenditure in the course of the next half year. The plan was always made to cover the space of half a year and was drawn up at the end of December and the end of June of each year for the coming six months. It served Herr Schmitz as a basis for giving orders as to the disposition of finances, in particular for following the current position of liquid assets, and for communicating as early as possible dead-lines which would necessitate increases in capital or taking up loans. The finance plan was drawn up within the Central Financial Administration in the accounts department in my special charge, and was handled by me personally. In the financial plan, only the round figures were taken by me or by my department from the individual reports. Neither Geheimrat Schmitz nor Dr. Ilgner received the individual data from me, as for instance the financial reports from the D.G. Herr Schmitz received from me the finance plan, which I discussed with him, and Dr. Ilgner received a copy of the plan, but without discussing these matters with me or my department.

Ludwigshafen am Rhein, 4 May 1948

WILLI HELFERT
(signed: Willi Helfert)

I herewith certify and witness the above signature made by Herr Willi Helfert, Ludwigshafen am Rhein -Friesenheim, Leopoldstrasse 25, whose identity was established by me, Dr. Wolfgang Alt.

Ludwigshafen am Rhein, 5 May 1948

WOLFGANG ALT
(signed: Wolfgang Alt)

Document DAG

CERTIFICATE OF TRANSLATION

21 May 1948

I, Wolfgang HILDESHEIMER, ETO No. 20067, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the DAG-Document.

.....
Wolfgang HILDESHEIMER, ETO No.
20067.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

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All Defendants for
Regulation of the Economy

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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Case 6
Defense

Military Tribunal VI

Case VI

The Regulation of the Economy

in the Third Reich

(for all defendants)

Document Book I

Submitted by the Defense
Counsel

Dr. Erich Berndt

Karl Bornemann

Berg



The Regulation of the Economy

in the Third Reich.

Compilation of the most important :
laws, decrees, etc. regulating German economy
since 1933.

(With the aid of these laws and decrees the formerly
free German private economy was, gradually, under
the Third Reich, coordinated, first in general plan-
ning, then directed by the State, dominated by the
National Socialists and finally ruthlessly subjugat-
ed, and was thus transformed into a governed economy).

Document Book I
The Regulation of the
Economy in the Third Reich

In the following index the laws and decrees are arranged
in seven different groups of documents according to their
special fields, namely:

- I. The fundamental measures of the Third Reich
- II. The Labor Allocation Laws of the Third Reich
(Ad I and II contained in Document Book I)
- III. The National-Socialist Compulsory Regulations on Prices
and Profits
- IV. The Third Reich Laws on Foreign Exchange.
(Ad III and IV contained in Document Book II).
- V. The Special Laws of the Third Reich for the Control
of Production and Commerce.
- VI. The Compulsory Measures in the Construction Field.
- VII. The anti-capitalist Result of the National-Socialist
Suppression of free enterprise.
(Ad V, VI and VII contained in Document Book III).

Within each group of documents the laws and decrees are
arranged according to their date.

Index of Document Book I

The Regulation of the Economy in the Third Reich.

Doc. No.	Title.	Subject	Page
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1. Series of decrees, relating to
The fundamental measures of the Third Reich.
For the totalitarian control and control of
the free economy in its totality (compare
f.i. the Law concerning the Regulation National
Labor, Document No. 4 - Four-Year Plan
Document No. 13) as well as in its individual
branches (compare f.i. the Law for the Protection
of the Retail Trade, Document No. 2 - Economic
Control Decree Document No. 8).
1. Act for rationalizing the District of Berlin and
Reich of 24 March 1934 (RGBl., I, page 141).
2. Law for the Protection of the Retail Trade of
12 May 1933 (RGBl., I, page 232).

(Later wording of 15 July 1933 - RGBl., I,
page 493, of 27 June 1934 - RGBl., I, page 523 -
of 15 December 1934 - RGBl., I, page 1241 -
and of 9 May 1935 - RGBl., I, page 689).
3. Law concerning the Establishment of Compulsory
Cartellization of 1 July 1933 (RGBl., I, page 483).
4. Law relating to the Legislation of National
Labor of 20 January 1934 (RGBl., I, page 45).
5. Law for the Protection of the Organic Structure
of the German Economy of 27 February 1934
(RGBl., I, page 128).

(Fundamental for the later control of the
German Economy by the State).

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The Regulation of the Economy in the Third Reich

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6.	Law concerning Economic Measures of 8 July 1934 (RGBl., I, page 553)	11	
	(One of the fundamental enabling acts in the economic field)		
7.	Decree concerning the Chambers of Industry and Commerce of 30 August 1934 (RGBl. I, page 79).	12	
8.	Regulation on the control of Stock Exchanges, Mortgage Bonds and Ship Mortgage Bonds of 23 September 1934 (RGBl. I, page 863) (Transfer of the power of control from the provincial governments to the Reich Minister of Economics).	13	
9.	First Executive Order for the Law on the Preparation of the Economic Structure of German Economy of 27 November 1934 (RGBl., I, page 1154). (Amendments in 1935, 1936 and 1939).	14	
10.	Decree for the Execution of the Four-Year Plan of 16 October 1935 (RGBl., I, page 37).	17	
11.	Second Decree for the Execution of the Four-Year Plan of 5 March 1936 (RGBl., I, page 336).	18	
12.	Law relating to Services in the Interest of National Defense (Volksdienstgesetz) of 13 July 1935 (RGBl., I, page 337). (Later revised as Volkseinsatzgesetz, Document No. 14)	19	
13.	Decree Governing Economic Administration of 27 August 1935 (RGBl., I, page 1495).	23	

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14.		Law concerning the Liquidation of Tasks for Tasks of the Reich (Reichsauftragsgesetz) of 1 September 1935 (RGBl., I, page 1345).	25
15.		Decree relating to the War Economy of 4 September 1935 (RGBl., I, page 1309) ^{also} (The preamble establishes: "Self-evident duty of every fellow German at home to place all his efforts, and means at the disposal of the nation and the Reich, thereby guaranteeing the continuation of normal economic life. Both punishment for war-detrimental conduct, i.e., for actions endangering of the vital supplies for the population; Article 1, para. 1).	29
16.		Decree concerning the further tasks of the Ministry of Economy for the Four Year Plan of 18 October 1936 (RGBl., I, page 1366).	31
17.		Resolution of the Reichstag in the Session of 18 April 1938 (RGBl., I, page 233).	32
18.		Decree concerning the simplification and standardization of the organization of Trade and Industry of 20 April 1942 (RGBl., I, page 169).	33
19.		Decree relating to the simplification of the District Chamber of Industry and Standardization of the Organization of the Industrial Economy of 30 May 1942 (RGBl., I, page 371).	34
20.		Decree concerning the Defense Commission and Standardization of the Administration of Economy of 15 November 1942 (RGBl., I, page 69).	37

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		<u>the Labor Allocation Laws of the Third Reich,</u>	
		which led the German people and finally every individual member by way of combatting unemployment, of procurement of labor, the satisfying of the demand for workers, the prohibition to change places of employment, etc., to the absolute labor service duty of the totalitarian state.	
21.		Law relating to the Regulation of Labor Allocation of 15 May 1934 (RGBl., I, page 361)	40
22.		Decree relating to the Distribution of Labor of 10 August 1934 (RGBl., I, page 786)	42
23.		Law to Satisfy Agriculture's Requirements of Labor of 28 February 1935 (RGBl., I, page 310)	43
24.		First to Sixth Decree for the Execution of the Four-Year Plan in the field of Labor Allocation of 3 November 1936 (German Reichsanzeiger No. 363 of 2 November 1936). (The Fourth Decree was later revised too)	44
25.		Decree for Amending the Fourth Decree for Executing the Four-Year Plan etc. (German Reichsanzeiger No. 199 of 25 July 1937)	47
26.		Seventh Ordinance for Executing of the Four-Year Plan in the field of Labor Allocation of 22 December 1936 (German Reichsanzeiger No. 299 of 23 December 1936).	48

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Doc. No.	Exh. No.	Subject	Page
27.		Decree concerning the Assuring of Labor Supply for Tasks of Special National Importance of 21 June 1938 (RGBl., I, page 653) (One of the most fundamental compulsory regulations on labor conscription, compulsory transfer from one plant to another, the restrictions on the change of places of employment, etc.; supplemented later on by:)	49
28.		Third Decree concerning the Safeguarding of Labor Requirements for Tasks of Special National Importance (Emergency Service Decree) of 18 October 1938 (RGBl., I, page 1441) (The Decrees, Documents 25 and 27, were replaced by:)	51
29.		Decree relating to the Assuring of Labor Supply for Tasks of Special National Importance of 13 February 1939 (RGBl., I, page 206).	53
30.		First Order implementing the Decree concerning the Assuring of an adequate Labor Supply for Tasks of Special National Importance (Compulsory Labor Implementation Order) of 2 March 1939 (RGBl., I, page 403).	56
31.		Second Order implementing the Decree concerning the Assuring of an adequate Labor Supply for Tasks of Special National Importance (Restriction of the right to change employment) of 16 March 1939 (RGBl., I, page 404).	58

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The Regulation of the Economy in the Third Reich

Doc. No.	Exh. No.	Subject	Page
32.		Decree for the Amendment of Regulations concerning Allocation of Labor and Unemployment Relief of 1 September 1939 (RGBl., I, page 1562)	62
		(The Reich Labor Minister receives unlimited power to "adapt" the regulations on labor allocation and unemployment relief "to the state-political necessities". Thus, an administrative authority - the Reich Labor Minister - receives the power to subject any German, without legal measures only by a simple administrative order, to compulsory labor in the interest of the National-Socialist State Leadership).	
33.		Decree concerning the Restriction on the Change of Places of Employment of 1 September 1939 (RGBl., I, page 1635).	63
		(It supplemented the Second Executory Decree, Document 31. During the war, eight Executory Decrees to the Decree of 1 September 1939 were issued, the last one dated 11 August 1941 - RGBl., I, page 178).	
34.		Decree concerning the Shutting-down of Enterprises for the purpose of Releasing Workers, of 31 March 1940 (RGBl., I, page 541).	66
35.		Decree relating to the Safeguarding of Labor Strength in the War Economy of 30 May 1942 (RGBl., I, page 30).	68

Military Tribunal VI

Case VI

I certify that all documents in this document book are true and
literal copies of those documents which were submitted to the court.

Nuremberg, 31 January 1949.

(Signature) Luenzel
(Dr. jur. Hermann Luenzel,
Assistant Defense Counsel.

I. Series of documents, relating to

the fundamental measures of the

Third Reich.

REICHSGESETZBLATT

Part I

1933	Issued at Berlin, 24 March 1933	No. 23
Date: 24 March 1933		
Subject: Law for the Relief of Reich and National Emergency.		
Page 141		

Law for the Relief of Reich and National Emergency,
of 24 March 1933

The Reichstag has enacted the following law which is being proclaimed herewith with the approval of the Reichstag, after it had been determined that the requirements concerning constitutional changes of legislation have been fulfilled.

Article 1

Reich laws may be passed by the Reich Government as well as through the procedure laid down in the Reich constitution.
.....

Article 3

The laws passed by the Reich Government may deviate from the Reich constitution provided that they do not deal with the institution of the Reichstag and the Reich Council. The rights of the Reich President remain unimpaired.
.....
.....

Article 5

This law comes into force on the day of its publication. It becomes invalid on 1 April 1937; it furthermore becomes invalid upon replacement of the present Reich Government by another.

Berlin, 24 March 1933

The Reich President
von Hindenburg

The Reich Chancellor
Adolf Hitler

The Reich Minister of the Interior
Frick

The Reich Minister for Foreign Affairs
Freiherr von Neurath

The Reich Minister of Finance
Graf Schwerin von Krosigk

Certificate of Translation

30 May 1947

I, ARTHUR C. MacNAMARA, 30191, herewith certify that I am thoroughly conversant with the English and German languages, and that the above is a true and correct translation of Document Wt. E. No. 1, Exh. No. 141.

ARTHUR C. MacNAMARA
30191

REICHSGESSETZBLATT

Part I

1933	Issued at Berlin, 13 May 1933	No. 50
Date	Subject	Page
12 May 1933	The Law for the Protection of the Retail Trade	252

The Law for the Protection of the Retail Trade
of 12 May 1933

In order to defend the retail trade from the dangers inherent in the present economical distress and to safeguard the assets of the middle class enterprises of the retail trade, the Reich Government has, as a transitory measure, resolved the following law which is hereby being promulgated:

Section I
Article 1

In Article 1, sentence 1, of the Third Part of the Emergency Decree for the Protection of the National Economy, of 9 March 1933 (Reich Law Gazette I, page 121), as amended by the Emergency Decree on National Economy and Finance, of 23 December 1932, First Part, Article 1 (Reich Law Gazette I, page 571), the words "in the period until 1 April 1934" will be struck out. The ban contained in this provision on the erection, extension, and removal of uni-price businesses applies *sine die*.

Article 3

(1) Places where goods are offered for sale must not be erected in the period until 1 November 1933.

.....

Section III

This law comes into force the day after its promulgation.

Berlin, 12 May 1933.

The Reich Chancellor
Adolf Hitler

The Reich Minister for Economics
Eugenberg

.....

Certificate of Translation

4 February 1948

I, Abraham Ehrmann, S.F.O. No. 20116, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the Document Wt. R. No. 2, Exh. No. 261.

ABRAHAM EHREMAN
S.F.O. No. 20116

REICHSGESETZBLATT

Part I

1933	Issued at Berlin, 17 July 1933	No. 82
Date	Subject	Page
17 July 1933	Law Concerning the Establishment of Compulsory Cartelization	488

Law Concerning the Establishment of Compulsory Cartelization
of 15 July 1933

.....

Article 1

(1) The Reichminister for Economics may for the purpose of controlling the market, combine establishments into syndicates, cartels, pools (Konventionen), or similar arrangements, or to annex them to already existing combinations of enterprises, if the combination or annexation appears to be demanded in consideration of the importance to the enterprise as well as to the economy as a whole and for the common good.

.....

Article 2

The Reich Minister for Economics issues the orders which are necessary for the execution of Article 1; he may specifically:

1. Regulate the rights and duties of the members and the rest of the legal stipulations of the combinations;
2. In case of the annexation of establishments to existing combinations, regulate the rights and duties of the members over deviating from the contracted agreements;
3. Order, that changes in the statute are permissible only through his consent.

Article 3

(1) The Reich Minister for Economics is entitled to supervise and intervene in regard to the combinations mentioned in Article 1. He may transfer these powers to his representatives.

(2) The expenses incurred in the practice of the supervision will be borne by the participants according to a more detailed regulation by the Reich Minister of Economics.

Article 4

The Reich Minister for Economics may determine that according to his decision concerning measures on the basis of Article 1, mediation must take place before agencies which

are to be designated by him. The Reich Minister for Economics may issue regulations concerning the proceedings before the mediation agencies.

Article 5

(1) When the special requirements of a particular economic branch cause it to seem necessary in consideration of the importance to the entire economy and for the common good, the Reich Minister for Economics can order, that within this economic branch the setting up of a new establishment, as well as the expansion of the operation of the business or the capability of existing establishments for a predetermined time is not to take place or is dependent upon his approval. He may under the same prerequisite also regulate the amount of exploitation of existing enterprises.

(2) This order does not apply to businesses whose permit for operation is dependent upon a binding need.

Article 6

An indemnification through the Reich because of loss, resulting from measures taken on the basis of this law will not be granted.

Article 7

(1) The Reich Minister for Economics may determine, that he who deals contrary to orders issued on the basis of this law, be punished by the cartel court with a fine. The fine consists of a monetary penalty, whose maximum is unlimited.

(2) He may further for the execution of orders issued on the basis of Article 5 make stipulations concerning the employment of police force according to provincial law (Landesgesetze).

Article 8

The Reich Minister for Economics issues the legal and administrative regulations for the execution of this law. He may also issue supplementary instructions.

Article 10

This law will go into effect the day after it is published.

Berlin, 15 July 1933.

The Reich Chancellor
Adolf Hitler

The Reichsminister for Economics
Dr. Schmitt

The Reichsminister for Food and Agriculture
R. Walther Darré

Certificate of Translation

1 November 1945

I, WILLARD EVANS SKIDMORE, Lt. (jg), USNR, 391590,
hereby certify that I am thoroughly conversant with the
English and German languages and that the above is a true
and correct translation of Document Wt. R. No. 3, Exh. No.
483.

WILLARD EVANS SKIDMORE
Lt. (jg), USNR
391590

REICHSGESETZBLATT

Part I

1934	Issued at Berlin, 23 January 1934	No. 7
Date	Subject	Page
23 January 1934	Law Relating to the Regulation of National Labor	45

Law Relating to the Regulation of National Labor
of 23 January 1934.

The Reich Government has enacted the following law which
is hereby promulgated:

First Section
Leader of the Plant and Workers' Council

Article 1

In a plant, the entrepreneur, as the leader of the plant,
and the employees and workers, as his personnel, work to-
gether for the furtherance of the plant's interest and for
the common good of folk and State.

Article 2

(1) The leader of the plant makes the decisions for
his personnel as far as is provided for it in this law.

(2) He is responsible for the welfare of his personnel.
The latter owe him the loyalty derived from the plant com-
munity concept.

Article 3

(1) In case of corporations under public law and com-
panies, their legal representatives will be leaders of the
plant.

(2) The entrepreneur or, in the case of corporations
under public law and companies, the legal representatives
may appoint as deputy a person actively engaged in the man-
agement of the plant; this must be done if they do not
manage the plant themselves.

.....

Second Section
Trustees of Labor

Article 18

(1) For larger economical areas, the boundaries of
which will be fixed by the Reich Labor Minister in agree-
ment with the Reich Minister for Economics and the Reich

Minister for the Interior, Trustees of Labor will be appointed. They will be Reich officials and will be under the supervision of the Reich Minister for Labor. The Reich Minister for Labor, in agreement with the Reich Minister for Economics, will fix their seats of office.

(2) The Trustees of Labor will be bound by the directives and instructions of the Reich Government.

Article 19

(1) The Trustees of Labor are responsible for the safeguarding of labor peace.

.....

Article 22

(1) Any person repeatedly and deliberately contravening written general orders of the Trustee of Labor, which the latter has issued in the execution of his duties, will be imposed a fine; in particularly grave cases, a prison term instead of the fine can be imposed. Prosecution will only be opened on the application of the Trustee of Labor.

(2) Conviction for the act threatened with public punishment, does not include the prosecution of the same act as an offense against the social honor.

.....

Fourth Section
Courts of Social Honor

All members of a plant community are responsible for the conscientious discharge of the duties incumbent upon them according to their positions within the plant community. They have to prove, in their conduct, worthy of the respect

derived from their position in the plant community. They must, particularly, always be conscious of their responsibility and devote their full strength to the service of the plant and subordinate themselves to the common weal.

* * * * *

Berlin, 30 January 1934

Reich Chancellor
Adolf Hitler

Reich Minister for Labor
Franz Seldte

Reich Minister for Economics
Dr. Schmitt

Reich Minister of Justice
Dr. Guertner

Reich Minister of Finance
Graf Schwerin von Krosigk

Reich Minister of the Interior
Frick

Certificate of Translation

4 February 1948

I, Abraham Eberman, E.T.C. No. 20116, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the Document Wt. R. No. 4, Exh. No. 45.

ABRAHAM EBERMAN
E.T.C. No. 20116.

REICHSGESETZBLATT

Part I

1934 Issued at Berlin, 13 March 1934 No. 28

Date	Subject	Page
27 February 1934	Law for the Preparation of the Organic Structure of the German Economy.	185

Law for the Preparation of the Organic Structure of the German Economy
of 27 February 1934

The Reich Government has enacted the following law which is hereby promulgated:

Article 1

The Reich Minister of Economics is empowered for the preparation of the organic structure of the German economy.

1. To recognize economic associations (Wirtschaftsverbände) as sole representative of their economic branch;
2. To establish, to dissolve, or to merge economic associations;
3. To amend, to supplement by-laws and contracts (Gesellschaftsverträge) of economic associations; particularly to institute the leadership principle (Führergrundsatz);
4. To appoint and to recall the leaders of economic associations;
5. To affiliate (anschlüssen) entrepreneurs and enterprises with economic associations.

Economic associations are such associations and federations of associations, which are charged with taking care of economic interests of entrepreneurs and enterprises.

Article 2

The Reich Minister of Economics may issue legal decrees (Rechtsverordnungen) and general administrative orders (Verwaltungsvorschriften) for the execution of this law with the consent (Zustimmung) of the Reich Minister of the Interior; he may also issue orders (Vorschriften) of supplemental character (Inhalt) with the consent of the Reich Minister of the Interior.

Article 3

Whoever violates deliberately or negligently a regulation which the Reich Minister of Economics has issued on the basis of this law, or executive orders thereto, is punishable with a fine or imprisonment up to one year. The prosecution (Strafverfolgung) is effected only upon application by the Reich Minister of Economics. The application may

be repealed.

Article 4

No compensation will be made for a damage which arises from the measure on the basis of this law.

.....

Berlin, 27 February 1934.

The Reich Chancellor
Adolf Hitler

The Reich Minister of Economics

At the same time for:

The Reich Minister of Food and Agriculture
Dr. Schmidt

The Reich Minister for the Interior
Frick

The Reich Minister of Transportation
Baron von Eltz

Certificate of Translation

I, Alfred H. Booth, U.S. Civilian, A.G.O. No. X-045284, hereby certify that I am thoroughly conversant with the English and German languages, and that the above is a true and correct translation of Document No. R. No. 5, Exh. No. 185.

ALFRED H. BOOTH
U.S. Civilian
A.G.O. No. X-045284

REICHSGESETZBLATT

Part I

1934	Issued at Berlin, 4 July 1934	No. 74
Date	Subject	Page
3 July 1934	Law Concerning Economic Measures	585

Law Concerning Economic Measures
of 3 July 1934

The Reich Government has enacted the following law which is hereby promulgated:

Article 1

1) The Reich Minister of Economics is empowered to take all measures within the sphere of his office which he deems necessary for the promotion of the German economy as well as for the prevention and elimination of economic wrongs (Schadigungen). As far as the measures fall under the jurisdiction of another Reich Minister they are to be taken in agreement with him.

2) Measures taken on the basis of paragraph 1 may deviate from existing laws.

Article 2

The Reich Minister of Economics may determine that offenses (Zu widerhandlungen) against the regulations (Vorschriften) be punished with prison and fine, or with one of these penalties. The maximum of the fine is not limited.

Article 3

This law takes effect with its promulgation. It expires on the end (mit Ablauf) 30 September 1934.

Berlin, 3 July 1934.

The Reich Chancellor
Adolf Hitler

For: The Reich Minister of Economics
The Reich Minister of Justice
Dr. Guertner

Certificate of Translation

15 June 1946

I, Alfred E. Booth, U.S. Civilian, A.G.O. No. X-046254, hereby certify that I am thoroughly conversant with the English and German languages, and that the above is a true and correct translation of Document Wt. R. No. 5, Exh. No. 585.

ALFRED E. BOOTH
U.S. Civilian
A.G.O. No. X-046254

REICHSGESETZBLATT

Part I

1934	Issued at Berlin, 22 August 1934	No. 99
Date	Subject	Page
20 August 1934	Decree Concerning the Chambers of Industry and Commerce	790

Decree Concerning the Chambers of Industry and Commerce
of 20 August 1934.

Pursuant to the law on economical measures, of 3 July 1934, (Reich Law Gazette I, page 565), I hereby decree the following in agreement with the Reich Minister of the Interior:

Article 1

The Chambers of Industry and Commerce are placed under the supervision of the Reich Minister for Economics.

Article 2

The Chambers of Industry and Commerce, their branches and combinations under public law will be directed according to the leadership principle. The chairman and his deputies will be appointed and recalled by the Reich Minister for Economics.

Article 3

(1) The chairman, together with his deputies, will constitute the Vorstand. A Beirat (Council) will be formed for the information and support of the chairman and the Vorstand; its members will be appointed by the chairman and confirmed by the Reich Minister for Economics.

(2) Paragraph 1 applies mutatis mutandis also to the combinations under public law referred to in Article 2.

Article 4

This ordinance becomes effective the day it is promulgated. On this day the Länder laws regarding the Chambers of Industry and Commerce as far as they are in opposition to this decree become void.

Berlin, 20 August 1934.

Acting Reich Minister for Economics
Dr. Hjalmar Schacht
President of the Reichsbank Direktorium

... ..

Certificate of Translation

4 February 1948

I, Abraham Hermann, E.T.O. No. 20116, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the Document Mt. R. No. 7, Exh. No. 785.

ABRAHAM HERMANN
E.T.O. No. 20116

REICHSGESETZBLATT

Part I

1934	Issued at Berlin, 29 September 1934	No. 110
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Date	Subject	Page
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29 September 1934	Regulation of Exchanges, Mortgage banks and Shipmortgage banks	863
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Regulation of Exchanges, Mortgage banks and
Shipmortgage banks of 29 September 1934

Pursuant to the Law of Economic Measures of 3 July 1934
(RGBl. I, page 565) I order with concurrence of the Reich Mini-
sters of Finance and of the Interior the following:

Article 1

The control functions (Aufsichtsbefugnisse) of the Provincial
governments over the exchanges, the mortgage banks and the ship
mortgage banks expire on 30 September 1934 and are hereby trans-
ferred to the Reich Minister of Economics.

Article 4

The Regulation is to take effect on the day of its promulga-
tion.

Berlin, 29 September 1934.

The Acting Reich Minister of Economics
Dr. Hjalmar Schacht
President of the Reichbank Directorate

REGIONS : 1917231477

Part I

1934 Issued at Berlin, 1st December 1934 No. 101

1934 Subject Page

27 November 1934 First Executive Decree of the Law preparing
the Organic Structure of German Economy 1194

1194

First Executive Decree of the Law preparing
the Organic Structure of German Economy.
of 27 November 1934

On the basis of article 2 of the Law for the Preparation of the Organic
Structure of the German Economy of 27 November 1934 (RGBl. I, p. 185)
it is decreed:

Section I

Structure of the Industrial Economy

Article 1

The Industrial Economy is subdivided into technical fields or *Werkgebiete*.
Districts, the representatives of the legally recognized official repre-
sentatives of industrial economy are organically united.

Article 2

Technically, industrial economy is subdivided into a Reich group industry,
intermediate groups and into the Reich group of aircraft, trade, banks,
insurance and power industries.

In the Reich group of industrial economy and in the Reich group of the
remaining industrial economy, economic groups are created which are
divided into technical groups or technical sub groups.

Article 3

The industrial economy is subdivided into economic districts according
to the work.

SECTION II

Membership of the organization of the Industrial Economy.

Article 8

The Reich Minister for Economics designates through general directives the groups of the technical organization and defines their activities. By virtue of these directives, the employers and the enterprises (natural and legal persons) who are working independently in the technical field or who are starting such an activity, will be attached to the competent technical or district groups. The industrial undertakings of the state and of the municipalities are also considered enterprises (Municipal units).

The German branches of foreign enterprises are considered as belonging to the German economy. The same applies to persons who, without having founded a branch, are regularly working in Germany for a foreign enterprise.

The membership in the industrial economy ends with the permanent termination of the activity which established the membership.

1195

SECTION IV

1196

Tasks and Duties

Article 15

The group of the industrial economy must counsel and protect its members in matters pertaining to the technical field.

The leader must conduct the group along the lines of the National Socialist State and should promote the efforts of the members by considering the interests of the entire industrial economy and by protecting the interests of the State. The leader is responsible to the group and to the leaders of superior groups for the orderly management of the group.

Instructions of the leader which are determined by the purpose of the group or by the unity of industrial economy, must be carried out by the members.

The leader and members should be firm in conducting the business and should hold confidentially, any knowledge concerning matters or policies which have reached them through official channels.

Article 17

The leader has the right to force any member to follow his instructions by fining him up to a thousand Reichsmarks (fine) or by expelling him if that member persists in acting against the instructions of himself or of a local leader in spite of repeated written warnings.

An appeal against the disciplinary sentence may be filed within two weeks after the sentence has been pronounced with the leader of the Reich group or the main group of industry. He passes the final decision."

The disciplinary penalties shall be collected by the Chamber of Industry and Commerce pursuant to the State regulations concerning the collections of municipal taxes, and shall be transmitted to the economic group.

.....

1198

SECTION I

Final Provisions

Article 41

Statutes of an incorporated association of the industrial economy are ineffective inasmuch as they are contrary to the provisions of this decree.

.....

Berlin, 27 November 1934

1199

The Acting Reich Minister of Economics
Ejalzer Schacht
President of the Reichsbank Directorate

For the Reich Minister of the Interior
Pfundtner.

.....

CERTIFICATE OF TRANSLATION

I, J. Weismann, ITO 35 270, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt.R. No. 9.

Barmberg, 6 February 1948.

J. Weismann
ITO 35 270.

REICHSGESCHETZBLATT

Part I

1936	Issued at Berlin, 19 October 1936	No. 86
Date	Subject	Page
18 October 1936	Decree for the Execution of the Four Year Plan	887

Decree for the Execution of the Four Year Plan
of 18 October 1936.

The realization of the new Four Year Plan—announced by me at the Party Congress of Honor—requires homogeneous leadership of all forces in the German nation and the strict coordination of all competent authorities in Party and State.

The execution of the Four Year Plan I entrust to Minister President General GOERING.

Minister President General GOERING shall take all steps necessary for the execution of the task put before him; he is authorized to issue legal decrees and general administrative directives. He is empowered to receive reports from all governmental agencies, including the highest agencies of the Reich and from all Party offices, their departments, and attached organizations—and issue orders to them.

Berchtesgaden, 18 October 1936.

The Fuehrer and Chancellor of the Reich
Adolf Hitler

Certificate of Translation

14 September 1945

I, WILLARD EVANS SKIDMORE, Lt. (jg), USNR, 391590, hereby certify that I am thoroughly conversant with the English, French, and German languages and that the above is a true and correct translation of Document No. R. No. 10, Sch. No. 887.

WILLARD EVANS SKIDMORE
Lt. (jg), USNR
391590

REICHSGESAMTZEITUNG

Part 1

1936 Issued at Berlin, 6 November 1936 Vol. 105

Date	Subject	Page
5 November 1936	Second Decree for the Execution of the Four Years Plan	936

Second Decree for the Execution of the Four Years Plan.
Of 5 November 1936

Pursuant to the Decree of the Reich and Reich Chancellor concerning the execution of the Four Years Plan of 12 October 1936 (RGBl. I, p. 927) it is decreed:

I.

By Directives for the execution of the Four Years Plan which are to be brought to public attention insofar as they have been published in the RGBl., are to be published in the Deutsche Reichsanzeiger or in the Preussische Staatsanzeiger.

II.

(1) Whoever violates the orders and prohibitions of these Directives will be punished with imprisonment or a fine, the latter in an unlimited amount, or with death.

(1) Article 6 of the Law concerning the execution of the Four Years Plan - the appointment of a Reich Commissioner for Price Control - of 20 October 1936 (RGBl. I, p. 927) will not be affected.

III.

No compensation will be granted for losses which might result from Directives published in accordance with number I.

Berlin, 5 November 1936.

The Price Indicator
Berlin
Manipulation of the Four Years Plan.

DOCUMENT W.B. No. 11
Exh. No.

CERTIFICATE OF TRANSLATION

I, J. Weimann, IDO 35 270,* hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document W.B. No. 11.

Darmstadt, 6 February 1943.

J. Weimann
IDO 35 270

REICHSGESETZBLATT

Part I

1936	Issued at Berlin, 18 July 1936	No. 112
Date	Subject	Page
18 July 1936	Law concerning Services in the Interest of National Defense (Wehrdienstgesetz). . . .	517

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Law concerning Services in the Interest of National Defense.

Of 13 Jul 1936

Contents:

- 1) Section: The duty to render services
 - Article 1 Persons subject to rendering services
 - " 2 Persons entitled to services
- 2) Section: The nature of the services
 - A. Article 3 Basic principles
 - B. Special Services
 - Article 4 General
 - " 5 Billeting
 - " 6 Feeding
 - " 7 Supplying of water
 - " 8 Supplying of food
 - " 9 Supplying of fuel
 - " 10 Use of road vehicles and mail bags
 - " 11 Supplying of consumer goods and implements
 - " 12 Use of private communication installations
 - " 13 Joint use of workshops
 - " 14 Taking of electric current and gas
 - " 15 Transfer of objects
 - " 16 Transportation services
 - " 17 Aid to airplanes
 - " 18 Use of vessels
 - " 19 Construction and conversion of vessels
- 3) Section: Special duty of communities for rendering services
 - Article 20 Services of communities
 - " 21 Services for communities
- 4) Section: Procedure in requisitioning performances
 - Article 22 Obtaining of performances
 - " 23 Form of claims
 - " 24 Enforcement of claims
 - " 25 Seizure

- 5) Section: Compensation, indemnification and legal means
Article 26 Compensation and indemnification
" 27 Procedure
- 6) Section: Exemptions
Article 28 Exemptions from all services
" 29 Exemptions from individual services
- 7) Section: Final provisions
Article 30 Special provisions for the VSDAP
" 31 Relationship with air raid protection law
" 32 Provisions of the Military Railroad Ordinance
" 33 Provisions for execution and implementation
" 34 Final provisions
" 35 Date of effectiveness of the law

The Reich Government has enacted the following law which is hereby promulgated:

Section I

Duty to render services

Article 1

Persons subject to the rendering of services

(1) The inhabitants of the Reich territory, other persons within property in the Reich territory as well as to this property as well as German nationals in charge of German vessels subject to the rendering of services in accordance with the law.

(2) Territorial corporations as well as all the other corporations inside the Reich territory and other associations of persons, establishments, institutions and their installations are also subject to the rendering of services.

Section II

Details of the performance

a. Basic principles

Article 3

(1) In every case, the services can ask the person liable for services to provide the use of things which he has in his possession or in his custody or to transfer to it his rights to movable and to transfer to him other rights for his use. In every case, the services can also demand the organizational preparation of services which may result from the possession of things as well as from the existence of rights.

(2) It is the obligation of the person who has the duty to render services and of the persons in his service to act in accordance with this law insofar as it is required for the effectuation of the performance. He has especially to obey all instructions given for the purpose of preparation and effectuation of the performance, to give information on request, to make reports and to give notice, to procure vouchers and to make surveys. There is furthermore an obligation to give a hand to perform messenger services, to show the way and to similar acts of shorter duration.

(3) The person subject to the duty to perform is responsible for the complete and timely fulfillment of the performance.

.....

Article 9

Supplying of fuel

(1) The owner of fuel is obliged to deliver it to the receiving agencies, unless by this action he will be compelled to shut down his business. This restriction does not concern enterprises whose business consists in the sale of fuel.

(2) In cases of emergency the lower administrative agency can regulate the delivery and distribution of fuel according to uniform measures.

Article 10

Use of fuel stoves and buildings

(1) Fuel stoves and buildings can be utilized and can be used in any other way. The use can also involve the setting up or the installation of apparatus, appliances and other similar equipment.

.....

Article 11

Supplying of consumer goods and implements

Consumer goods and implements required for camps, bivouacs, the construction of bridges and roads, as well as for earth and construction work have to be delivered by the owners of such materials. The owner and his employees have to give their support.

.....

Article 13

Joint use of workshops

The owner of industrial or agricultural enterprises are obliged to permit the joint use of their workshops and to perform the requested repairs.

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Article 34

Penal provisions

Persons who violate the duties for performance imposed by this law and its executive and supplementary provisions will be punished with a fine of not more than 150 RM or with arrest, in severe cases with imprisonment or with a fine or with one of the penalties.

Berlin, 13 July 1938.

The Führer and Reich Chancellor
Adolf Hitler

The Reich Minister of the Interior
Frick

The Chief of the Reich Command of the Wehrmacht
Weiss

.....

12/38

CERTIFICATE OF TRANSLATION

I, J. Weinmann ETO 35 270, hereby certify that I am a duly appointed translator for the German and Polish languages and that the above is a true and correct translation of the document Wt. R. No. 12.

5 February 1948

J. Weinmann
ETO No. 35 270

REICHSGESETZBLATT

Part I

1939	Issued at Berlin, 27 August 1939	No. 149
Date	Subject	Page
27 August 1939	Decree Governing Economic Administration . . .	1495

Decree Governing Economic Administration
of 27 August 1939.

SECTION I

Article I

Authorization

(1) The uniform coordination and direction of all economic measures which will be ordered by the General Plenipotentiary for Economy, Highest Reich Authorities subordinate to him, and agencies authorized by the latter is vested:

for the military administrative district	I. in the Oberpräsident at Königsberg (Pr.)
" " "	II. in the Oberpräsident at Stettin
" " "	III. in the Oberpräsident of Province Mark Brandenburg, in Berlin
" " "	IV. Reich Regent (Reichsstatthalter) in Saxony (Provincial Government) State Chancellor in Dresden
" " "	V. in the Württemberg Minister of Economics, in Stuttgart
" " "	VIa) Rhine Province: in the in the Regierungspräsident at Düsseldorf
" " "	b) Westphalia and Lippe: the Oberpräsident in Münster
" " "	VII. the Bavarian Minister of Economics in Munich
" " "	VIII. the Oberpräsident in Breslau
" " "	IX. the Oberpräsident in Cassel
" " "	X. in the Reich Regent in Hamburg (State Administration)

for the military administrative district	II.	the Oberpräsident in Hannover
" " "	"	"
" " "	XII.	The Regierungs- präsident in Münster
" " "	"	"
" " "	XIII.	the Regierungs- präsident in Aachen
" " "	"	"
" " "	XVII.	the Reich Regent- in Vienna
" " "	"	"
" " "	XVIII.	the Reich Regent in Salzburg

(2) The authorities mentioned in Section 1 are authorized to give instructions to the organization of the Economic Self-Administration and other offices coming under the jurisdiction of the General Plenipotentiary for Economy and of the Highest Reich Authorities subordinate to him or under his service control.

(3) The jurisdiction of the Oberpräsident in Münster covers food and agriculture as well as forestry and the timber trade of the entire military administrative district VI.

Section 2 Industrial Economy

The Reich Minister for Economy, the Reich Minister for Food and Agriculture and the Reich Chief Forester are authorized to subordinate entirely or in part to the State Administration, to integrate into State administrative offices, or to dissolve offices, organizations, or the economic autonomous administration and other offices within the sphere of their competence.

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Section VII Final Provisions

Article 11

The legal and administrative regulations for the implementation of this decree will be issued by the competent Highest Reich authorities within the framework of the directives issued by the Plenipotentiary General for the Economy.

Article 12

This decree is effective upon its promulgation.

Berlin, 27 August 1939.

The Plenipotentiary General for the Economy
Walter Funk

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REICHSGESETZBLATT

Part 1

1933	Issued at Berlin, 5 September 1939	No. 166
Date	Subject	Page
1 September 1939	Promulgation of the Revised Law concerning Services in the Interest of National Defense (Wehrleistungsgesetz)	1645

Promulgation of the Revised Law concerning Services
in the Interest of National Defense (Wehrleistungsgesetz)
of 1 September 1939

By virtue of Article II of the decree for the revision of the Wehrleistungsgesetz of 1 September 1939 (Reichsgesetzblatt I, p.1635) the revised text of the Wehrleistungsgesetz is being promulgated as law concerning rendering of services in the Interest of the Reich (Wehrleistungsgesetz), which is in force in the territory of the Greater German Reich.

Berlin, 1 September 1939

The Reichminister of the Interior
Frick

Law concerning rendering of services
in the Interest of the Reich.
(Wehrleistungsgesetz)
of 1 September 1939

Contents

1. Section: The duty to render Services
 - Article 1 Persons subject to rendering Services
 - " 2 Persons entitled to Services
 - " 3a Use of services for Third parties
2. Section: Services
 - A General Provisions
 - Article 3 Nature and contents of the duty
 - " 3a General Services and Services for special economic purposes
 - Article 3b General Services
 - " 3b Services for special economic purposes
 - C Special Services
 - Article 4 General
 - " 5 Billetting

- Article 6 Feeding
" 7 Supplying of Water
" 8 Supplying of Garage
" 9 Supplying of Fuel
" 10 Use of real estate, buildings and water areas
" 11 Supplying of consumer goods and implements
" 12 Use of private communication installations
" 13 Joint use of workshops
" 14 Taking of electric current
" 15 Transfer of objects
" 16 Transportation Services
" 17 Aid to airplanes
" 18 Use of vessels
" 19 Outfitting of vessels
3. Section: Special duty of communities to render services
Article 20 Services of communities
" 21 Requisitioning for communities
4. Section: Procedure in requisitioning services
Article 22 Claiming of services
" 23 Form of claim
" 24 Enforcement of claim
" 25 Seizure
5. Section: Indemnification, Compensation and legal means
Article 26 Compensation and Indemnification
" 26a Consideration of real rights to objects claimed
" 27 Procedure
" 27a Loss of procedure
" 27b Execution
" 27c Constitution integral
6. Section: Exemptions
Article 28 Exemptions from all Services
" 29 Exemptions from individual Services
7. Section: Final provisions
Article 30 Special provisions for the USSR
" 31 Relationship with the Law concerning protection from air raids
" 32 Provisions of the Military Railroad Ordinance
" 33 Provisions for execution and implementation
" 34 Penal provisions
" 35 Statute falling into disuse and the continued validity of statutes.

.....

1. Section

Duty render services

Article 1

Persons subject to duty

- (1) The inhabitants of the Reich territory, other persons owning property in the Reich territory with regard to this property as well as German nationals on board of German vessels are liable to the rendering of Services in accordance with this law.

(2) Territorial corporations as well as all corporations existing within the territory of the Reich and other associations of persons, institutions, foundations and other institutes are also subject to this duty.

Article 2

Organizations entitled to claim services

(1) Receiving agencies designated are entitled to claim services. Offices of the armed forces and other offices of the state or carrying out tasks of the state may be receiving agencies. Also the "Gefolge" is considered to be a part of the "Mannschaft"; in the meaning of this law those persons obliged to perform services for the armed forces or stay with them in an official capacity are to be considered as "Gefolge".

(2) The OIV and the General Plenipotentiaries designated by the Führer and Reich Chancellor for the Reich Administration and Economy determine, in mutual agreement, the receiving agencies of their sphere of competence and the services they are entitled to. The highest Reich authorities outside this sphere of competence designate, in agreement with the OIV, the General Plenipotentiary for the Reich Administration and the General Plenipotentiary for Economy, their receiving agencies and the services to which they are entitled.

SECTION II

Services

1. General Provisions

Article 3

Nature and Contents of the Duty

(1) Nature and contents of the service is determined by provisions of this section. The person liable to the duty is responsible for the complete and timely fulfillment of the performance.

(2) The receiving agency is entitled to request the organization of the preparation of performances, the possibility of which is shown by the possession of things as well as the existence of rights.

(3) The person who has to render services and the persons in his service are obliged to act, allow and omit in accordance with this law and/or as it is required for the preparation of the services or their orderly effectuation. Especially they have to obey all instructions given for the purpose of preparation and effectuation of the services, to give information on request, to make reports and to give notice, to procure materials and to make surveys. Besides there is an obligation to give a hand, perform messenger services, to show the way and perform similar acts of shorter duration.

2. General Services and
Services for special Economic purposes.

Article 3 a

General Services

The receiving agency is entitled to demand that the person liable, to the duty to render services should allow it to use articles in his possession, or custody, that he should transfer rights to movables as well as permit him the exercise of other rights or desist from exercise of rights.

Article 3 b

Services for special economic purposes.

For the purpose of fulfilling special needs the receiving agencies designated may demand that the person liable perform being a proprietor of a commercial, agricultural or syvicultural enterprise or of a transportation outfit,

1. should conclude certain legal transactions with regard to movable property and rights of which he is owner, possessor or holder.
2. should use or utilize in a certain way movable property and rights of which he is owner, possessor or holder
3. should obtain, store, produce or manufacture certain articles.

.....

CERTIFICATE OF TRANSLATION

I, E. Göttinger, AGO A 444 369, hereby certify that I am a duly appointed Translator for the German and English languages and that the above is a true and correct translation of the Document :
Yt. 2. No. 14.

E. GÖTTINGER
AGO A 444 369.

REICHSGESETZBLATT

Part I

1939	Issued at Berlin, 4 September 1939	No. 163
Date	Subject	Page
4 September 1939	Decree relating to the War Economy . . .	1502

Decree relating to the War Economy
of 4 September 1939.

The protection of the boundaries of the Fatherland requires the greatest efforts of every German citizen. The soldier offers his life for his home. In comparison with the magnitude of his sacrifice it is but the obvious duty of every citizen at home to make available to the people and the Reich all his power and means to enable the operation of a regulated economic life. In addition everyone must accept necessary restrictions on his manner of living. The Ministerial Council for Reich Defense decrees therefore with legal effect:

Section I

Conduct, detrimental to the War.

(1) Whoever destroys, removes or hoards raw materials or products which are of vital necessity to the population and thereby maliciously endangers the supply of these goods will be punished with imprisonment or hard labor. In special serious cases the death sentence can be pronounced.

(2) Whoever hoards stocks without justified reason will be punished with imprisonment and in special serious cases with hard labor.

1512

Section IV

War Prices

Article 23

Prices and compensations for goods and services of any kind must be established on the principles of the war economy.

REICHSGESETZBLATT

Part I

1939	Issued at Berlin, 4 September 1939	No. 168
Date	Subject	Page
4 September 1939	Decree relating to the War Economy . . .	1609

Decree relating to the War Economy
of 4 September 1939.

The protection of the boundaries of the Fatherland requires the greatest efforts of every German citizen. The soldier offers his life for his home. In comparison with the magnitude of his sacrifice it is but the obvious duty of every citizen at home to make available to the people and the Reich all his power and means to ensure the operation of a regulated economic life. In addition everyone must accept necessary restrictions on his manner of living. The Ministerial Council for Reich Defense decrees therefore with legal effect:

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(2) Whoever hoards stocks without justified reason will be punished with imprisonment and in special serious cases with hard labor.

1612

Section IV

War Prices

Article 22

Prices and compensations for goods and services of any kind must be established on the principles of the war economy.

Article 24

The prices of goods and services of any kind must not be increased by raw or secondary materials, freight charges, or other expenses the use or the expenditure of which is caused by using special sources of supply which cannot be justified by the principle of economical management.

.....

1513

Article 30

The Decree takes effect on the day of its promulgation.

Berlin, 4 September 1939.

The Chairman of the Ministerial Council for the
Reich Defense
Goring
General Field Marshal

The Deputy of the Fuehrer
B. Hess

The Plenipotentiary General for the Reich Administration
Frick

The Reich Minister and Chief of the Reich Chancellery
Dr. Lammers

The Chief of the High Command of the Wehrmacht
Keitel.

.....

CERTIFICATE OF CORRELATION

I, Fred Lax, X 045 207, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt.R. No. 15.

Munich, 5 February 1948.

Fred Lax
X 045 207

REICH'S G E S E T Z B L A T T

1395

Part 1

1940 Published in Berlin, 20 October 1940 No. 185

Date	Content	Page
13 October 1940	Decree concerning the further tasks of the Plenipotentiary for the Four Year Plan	1395

Decree

Concerning the further tasks of the Plenipotentiary of
the Four Year Plan

of 13 October 1940.

After the period of four years since the ordinance for the execution of the Four Year Plan of 13 October 1936 (Reich Law Gazette I, No. 887) has expired, the plenipotentiary Dr. Wilhelm Goering for another four years is appointed for the further execution of this Four Year Plan, with the special direction to direct it to the demands of the war.

Therefore Reich Marshal Goering will continue to exercise the power granted him by the ordinance of 13 October 1936.

Berlin, 13 October 1940.

The Fuehrer and Reich Chancellor

Adolf Hitler

The Plenipotentiary for the Four Year
Plan

Goering
Reich Marshal

The Reich Minister and Chief of the
Reich Chancellery

Dr. Lammers

GESEHE GALT ALS UEBERSETZUNG.

I, Jack Markheim, AGO D 230 019, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document W.F.R. No. 15.

Durenberg, 9 Februar 1948.

Jack Markheim
AGO D 230 019

REICHSGESETZBLATT

Part I

1942	Issued at Berlin, 27 April 1942	No. 43
Date	Subject	Page
13 April 1942	Regulation of Peace Planning in the Economy	239

Regulation of Peace Planning in the Economy.
Of 13 April 1942.

The present war requires a concentration of all power and a total exertion of our entire abilities for final victory.

Because in many instances enterprises, which are integrated into the war economy, are still engaged in planning for peace and peace developments or for peace purposes I order the following:

Under the Decree for the Administration of the Four-Year Plan of October 18, 1936 (RGBl. I, 887) in conjunction with the Second Decree for the Administration of the Four-Year Plan of November 5, 1936 (RGBl. I, 976) I forbid business managers doing business in the war economy to conduct further planning for peace or peace developments.

All related current work shall be immediately discontinued.

Where in exceptional cases the further conduct of such functions appears justifiable, it requires the written license of the Reich Minister for Armaments and Munitions.

Berlin, 13 April 1942.

The Administrator of the Four-Year Plan
Goering
Reichserescheib

.....

REICHSGESETZBLATT

Part 1

1942	Issued at Berlin, 24 April 1942	No. 41
Date	Subject	Page
20 April 1942	Decree concerning the Simplification and Standardisation of the Organisation of Trade and Industry.....	189

Decree concerning the simplification and standardi-
sation of the organisation of trade and industry.
Of 20 April 1942

By virtue of legal authorisation it is hereby decreed with the consent
of the Plenipotentiary of the Four Year Plan, the General Plenipoten-
tiary for the Administration of the Reich and the GSW:

Article 1

The Reich Minister of Economics is authorized to take measures for
the simplification of the organisation of trade and industry and
to issue provisions necessary for the standardisation of the law
concerning the organisation of trade and industry.

Berlin, 20 April 1942.

The General Plenipotentiary for Economy,
Walter Funk

CERTIFICATE OF TRANSLATION

I, B. Göttinger, AGO A 444 369 hereby certify that I am a duly
appointed Translator for the German and English languages and that
the above is a true and correct translation of the Document :
Wt.R. No. 18.

B. GÖTTINGER
AGO A 444 369

REICHSGES E S E 2 B L A T T

Part 1

1942	Issued at Berlin, 2 June 1942	No. 60
Date	Subject	Page
30 May 1942	Third executory decree of the decree concerning the simplification and standardisation of the organisation of trade and economy (GWAV)	371

Third executory decree of the decree concerning the simplification and standardisation of the organisation of trade and economy (GWAV)
30 May 1942.

The Gau Economy Chambers are the regional control agencies of the organisation of German economy on the Gau level.

Endowed with the right of self administration and led by active employers they represent the entire economy of their district.

In taking charge of economy they have to support the state leadership of economy and be at the disposal of the Gauleiters carrying out their tasks.

By virtue of Article 1 of the decree concerning the simplification and standardisation of the organisation of trade and economy of 20 April 1942 (Reich Law Gazette I, p. 159) it is hereby decreed.

1. Section

Form and Structure of the Gau Economic Chambers.

Article 1

(1) The Gau Economic Chambers are structures of the organisation of German Economy endowed with the right of self administration and legal rights.

(2) The statutes of the Gau Economic Chamber shall be issued by the president with the approval of the Reich Minister of Economics.

(3) The districts of the Gau Economic Chambers shall, as a matter of principle, coincide with the Gau districts.

Article 2

(1) All natural and legal persons of private and public law, maintaining an economic enterprise in the district belong to the Gau Economic Chamber. The proprietors of a branch of an enterprise, the main establishment of which is located outside the district, also belong to the Gau Economic Chamber.

Article 3

(1) The Gau Economic Chamber shall be led by a President in accordance with leadership principles.

2nd Section

The Tasks of the Gau Economic Chambers

Article 4

(1) The Gau Economic Chambers are charged with the responsibility of looking after all interests of the economy of their districts by promoting it as well as adjusting the various economic interests. In carrying out these tasks they may communicate directly with the highest Reich authorities.

(2) The Gau Economic Chambers may be entrusted with tasks by law or by decree or by order of the Reich Minister of Economics. The state authorities are obliged to support the Gau Economic Chambers carrying out these tasks.

(3) The members of the Gau Economic Chamber have to give information necessary for the carrying out of its tasks and to submit vouchers required. Persons in the service of the Reich Economic Chamber in an honorary capacity or as employees, are obliged to keep secret occurrences happening within the business or enterprises of which they learn.

Article 5

The Gau Economic Chambers are obliged:

1. to support the authorities within their scope of activities by giving information, making applications and giving opinions, to report, if requested, with regard to condition and progress of the economy of their district and to make suggestions as to promoting economy.
2. to supervise exchanges and other public institutions existing in the interest of commerce, if ordered to do so by the Reich Minister of Economics.
3. to appoint such persons as experts publicly, to swear them in and to supervise them as are engaged in commerce and industry, as defined by Article 36 paragraph 1 of the Industrial Code or other persons.

4. to cooperate in cases of admission and examination of auditors, to be appointed publicly and swear in and appoint publicly applicants having passed successfully and to supervise them
5. to issue certificates of origin and other certificates in the interest of commerce and verifications and to take affidavits within this scope as far as other offices have not been charged with it exclusively.

.....

Berlin, 30 May 1932

The Reich Minister of Economics

Walter Funk

.....

CERTIFICATE OF TRANSLATION

I, E. Ottlinger AGO A 444 359, hereby certify that I am a duly appointed Translator for the German and English languages and that the above is a true and correct translation of the Document : Wt.R. No. 19.

E. OTTLINGER
AGO A 444 359

REICHSGESCHETZLICH

Part I

1942 Issued at Berlin, 17 November 1942 No. 117

Date Content Page

18 November 1942 Decree concerning Reich Defense Commissioners and Standardization of the Administration of Economy 549

Decree concerning Reich Defense Commissioners and Standardization of the Administration of Economy.
Of 18 November 1942.

It is hereby decreed by the Ministerial Council for the Defense of the Reich with effect of Law:

Section I

Reich Defense Commissioners

Article 1

According to the orders of the Fuehrer, the laws, and the decrees and rules of the Ministerial Council for the Defense of the Reich, the Supreme Reich Authorities, within the limitations of their general authority, shall supervise the duties of the civilian Reich Defense and carry out these duties with regard to the authorities and offices belonging to their area of jurisdiction.

.....

Article 2.

(1) The Reich Defense Commissioners must coordinate in their districts the measures of civilian Reich Defense with the interests of the Wehrmacht in closest agreement with the competent Wehrmacht offices.

.....

Section II

Economic and Social Administration

Article 3

(1) The unified control of all measures decreed by the highest Reich authorities and by offices authorized by them will be transferred to authorities of the general administration named in column 4 of the enclosure for the districts indicated (economic districts) there.

- 2 -

(2) The authorities named in column 4 of the enclosure may within the sphere of the competences transferred to them, issue directives to those institutions, organizations of economic self-administration, and other offices belonging to the economic sphere of competences of the highest Reich authorities unified in the Four Year Plan or subject to their official supervision.

.....

Berlin, 16 November 1942.

The President, Officer of the Ministerial
Council for the Defense of the Reich and Plenipotentiary
of the Four Year Plan.
Goring
Reichsmarschall

The Reich Commissioner General for the Reich
Administration.
Frick

The Reich Commissioner General for Economy.
Falter Funk

The Chief of the Reich Command of the Wehrmacht
Keitel

The Reich Minister and Chief of the Reich
Chancellery
Dr. Goebbels.

.....

CERTIFICATE OF TRANSLATION.

I, E. Göttinger, A 444 339, hereby certify that I am a duly appointed
translator for the German and English languages and that the above is
a true and correct translation of Document No. 20.

Munich, 12 February 1943.

E. Göttinger, A 444 339.

- 35 -

II. Group of Documents, concerning

the Labor Allocation Laws of the
Third Reich.

REICHSGESETZBLATT

Part I

1934	Issued at Berlin, 16 May 1934	No. 52
Date	Subject	Page
16 May 1934	Law relating to the Regulation of Labor Allocation	381
		381

Law relating to the Regulation of
Labor Allocation, of 15 May 1934

The Reich Government has enacted the following law, which
is hereby promulgated:

Article 1

The president of the Reich Institute for Labor Exchange and
Unemployment Insurance is empowered to issue an order that no
workers or employees may be hired without his prior consent in
districts which have a large number of unemployed, if such per-
sons are not detailed in these districts on the day this order
becomes effective.

Article 2

The president of the Reich Institute may order that only
with his prior consent those persons may be hired, who, on the day
his decree becomes effective or during the preceding three years, had
worked in agriculture; or in other than agricultural businesses;
or in professions for other than agricultural work.

Article 3

(1) In order to satisfy the requirements of agriculture for
labor during the year 1934, enterprises (employers) of businesses,
to whom applies an order according to Article 2, are obliged, upon
direction by the president of the Reich Institute, to dismiss wor-
kers or employees who had been working in agriculture during the
past three years before such an order had been issued.

Article 10

Administrations shall also be considered as businesses accord-
ing to this law.

Article 11

The Reich, or the Reich Institute shall not indemnify any
damage which is caused by a measure taken by reason of this law.

Article 13

(1) Whoever intentionally hires or employs another person as worker or employee, in contravention of a decree issued by reason of articles 1 through 3, shall be punished with a fine or imprisonment not to exceed three months. The same penalty shall apply to any individual who, in contravention of a decree issued according to Articles 1 through 3, intentionally permits himself to be hired or employed as a worker or employee.

(2) Whoever commits the offense through negligence, shall be punished with a fine of up to 150 Reichsmarks.

Article 14

For the execution and amendment of this law, the Reich Minister of Labor may issue legal decrees and general administrative provisions.

Berlin, 15 May 1934.

The Reich Chancellor
Adolf Hitler

The Reich Minister of Labor
Franz Seldte

CERTIFICATE OF TRANSLATION.

I, Th. Klein, AGO D 150 307, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt. 2. No. 31.

Nuremberg, 6 February 1948.

Th. Klein
AGO D 150 307

REICHSGESETZBLATT

Part I

1934	Issued at Berlin, 22 August 1934	No. 98
Date	Subject	Page
	
10 August 1934	Decree relating to the Distribution of Labor	786
	

Decree relating to the Distribution of Labor
Of 10 August 1934

786

Pursuant to the Law on Economic Measures of 3 July 1934 (RGBl. I, page 565) and in agreement with the Reich Minister of Labor and the Deputy of the Führer of the NSDAP, I decree as follows:

Article 1

The President of the Reich Institute for Labor Exchange and Unemployment alone is authorized to regulate the distribution, and especially the exchange of labor.

Article 2

Whoever violates the preceding provisions, and the orders issued according to Article 3, is subject to punishment according to Article 2 of the Law on Economic Measures of 3 July 1934 (RGBl. I, page 565).

Berlin, 10 August 1934.

The Acting Reich Minister of Economics
Dr. Hjalmar Schacht
President of the Reichsbank Directorate

CERTIFICATE OF TRANSLATION.

I, Th. Klein, AGO D 150 307, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Vt. R. No. 22.

Nuremberg, 6 February 1948.

Th. Klein
AGO D 150 307

REICHSGESETZBLATT

Part I

1935	Issued at Berlin, 1 March 1935	No. 23
Date	Subject	Page
26 February 1935	Law to Satisfy Agriculture's Requirements of Labor	310

Law to Satisfy Agriculture's Requirements of Labor
of 26 February 1935

The Reich Government has enacted the following law which is hereby promulgated:

Article 3 of the Law for Regulation of Labor Allocation of 15 May 1934 (RGBl. I, page 361) shall read as follows:

*Article 3

(1) To satisfy agriculture's requirements for labor, the President of the Reich Institute for Labor Exchange and Unemployment may issue a decree that enterprises (employers) disclaim from their businesses those workers or employees who have worked within a certain time before the issuance of the decree in agriculture, but who were employed at the time this decree was issued, at other than agricultural work in other than agricultural enterprises or professions.

Berlin, 26 February 1935.

The Fuehrer and Reich Chancellor
Adolf Hitler

The Reich Minister of Labor
Franz Seldte

CERTIFICATE OF TRANSLATION

I, Th. Klein, AGO D 150 307, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document W.R. No. 23.

Burgberg, 6 February 1948.

Th. Klein
AGO D 150 307

DEUTSCHER REICHSANZEIGER
and
PREUSSISCHER STAATSANZEIGER.

No. 252 Berlin, Monday, 9 November 1936 evening ...

First Decree
for Executing the Four-Year Plan by the Assuring of trained new
Generations of Skilled Workers
of 7 November 1936.

One of the most important tasks concerning the execution of the Four-Year Plan is the assuring of trained new generations of skilled workers. This applies especially to the iron, metal and construction industries. Considering the importance of this task, it is the duty of all public and private enterprises concerned to participate in training the rising generations.

In order to obtain an immediate and comprehensive training for new generations of skilled workers in the iron, metal and construction industries, I order the following:

(1) Private and public enterprises of the iron, metal and construction industries which have ten or more employees, are obliged to employ a certain number of apprentices, in proportion to the number of their skilled workers.

Berlin, 7 November 1936

The Minister President
G o e b b e s
Commissioner for the Four-Year Plan.

Second Decree
for the Execution of the Four-Year Plan, concerning the Assuring
of Metal Workers Supply for Orders to the Iron and Metal Indus-
tries which are of State Political and Economically-Political
Importance.

Of 7 November 1936.

To safeguard orders to the iron and metal industries which are of state-political and economically-political importance, and which must absolutely be completed within the frame of the Four-Year Plan, it is urgently necessary to make available the number of metal workers needed. I, therefore, decree the following:

(1) Additional employment of metal workers by a private or public enterprise of the iron and metal industries requires, as of 1 December 1936, the consent of the labor office which has local jurisdiction for a business or the branch of a business, if, within one quarter of a calendar year the personnel of the firm is to be increased by ten or more metal workers, as compared with the strength on the first day of the quarter of the calendar year.

Third Decree
for Executing the Four-Year Plan by the Return of Skilled Metal
and Construction Workers to their Vocations.
of 7 November 1936.

Skilled metal and construction workers are frequently employed on jobs which are out of line with their training. This means an uneconomical waste of a valuable labor force, whose use in more appropriate positions is urgently needed for accomplishing the Four-Year Plan. I, therefore, order the following:

(1) Employers of industrial enterprises who employ skilled metal and construction workers for more than two weeks in jobs, which, in whole or to a large extent, do not correspond with their vocational training, as particularly shown from entries in their work-book, will, effective 1 December 1936, give immediate notice of this fact, on a form as per enclosed sample, to the labor office which has local jurisdiction for the enterprise or business department.

Berlin, 7 November 1936.

The Minister President
G o e r i n g
Commissioner for the Four-Year Plan.

Fourth Decree
for Executing the Four-Year Plan by Assuring the Supply of Labor
and Building Materials for Construction Projects which are of
State-Political and Economical-Political Importance.
of 7 November 1936.

In order to assure within the frame of the Four-Year Plan the supply of labor and building materials for the execution of important state-political and economical-political construction projects, I decree the following:

- (1) Effective 1 December 1936, all private and public construction projects, above and below ground, must be reported before commencement of work. Except for:
- a) private construction projects which do not require more than M 5,000.- and
 - b) public construction projects which do not require more than M 25,000.- in wages at the building site.

Berlin, 7 November 1936.

The Commissioner for the Four-Year Plan
The Minister President
G o e r i n g .

Fifth Decree
for the Execution of the Four-Year Plan by Hiring of Older Employees.
Of 7 November 1936.

The execution of the new Four-Year Plan can only succeed if no German labor forces remain unused. Thus it will be possible to reintegrate also older employable workers, especially family fathers, into the ranks of creative Germans. Their employment is also called for by state-political requirements. I, therefore, decree the following:

(1) Employees who are 40 years and older will be hired, provided they are properly trained and employable, in an appropriate ratio, by businesses and administrations employing ten or more people.

The competent labor office shall decide whether they are employable.

(2) In order to enable supervision of the manner with which these businesses and administrations comply with their obligations they will report until 15 January 1937, to the competent labor office, on a form according to the sample enclosed, the names of workers steadily employed on 4 January 1937.

Berlin, 7 November 1936.

The Minister President
Goering
Commissioner of the Four-Year Plan.

Sixth Decree
for the Executing of the Four-Year Plan concerning the Ban on
Cipher Advertisements for the Hiring or Exchange of Skilled Metal
and Construction Workers, of 7 November 1936.

In order to prevent that any measures for the guidance of labor allocation within the frame of the Four-Year Plan be interfered with, through unregulated and anonymous recruitment of skilled workers by employment notices in the form of cipher advertisements I decree as follows:

(1) It is forbidden, for the purpose of recruitment or exchange of skilled metal and construction workers, to order or accept cipher advertisements in newspapers, periodicals, help wanted lists, or similar matters.

Berlin, 7 November 1936.

The Minister President
Goering
Commissioner of the Four-Year Plan.

Certificate.

I herewith certify and confirm that the foregoing document, consisting of three pages, is a true and accurate copy of the German Law Gazette (Deutscher Reichsanzeiger), issued in Berlin, and mentioned in the foregoing.

Frankfurt on the Main, 20 January 1938

(Signature) Dr. Hermann Muensel
(Dr. Juris Hermann Muensel)
Assistant Defense counsel
Military Tribunal USA Nuremberg,
Germany, Case number 6
Tribunal No. VI.

CERTIFICATE OF TRANSLATION

I, Th. Klein, AGO D 150307, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt.R.No.24.

Muenzberg, 9 February 1948

Th. Klein
AGO D 150 307

DEUTSCHER REICHSGESAMZEIGER
und
PREUSSISCHER STAATSGESAMZEIGER

No. 159 Berlin, Monday, 26 July 1937, evening

Decree

for Amending the Fourth Decree for Executing the Four-Year Plan
by Assuring the Supply of Labor and Raw Materials for Construc-
tion Projects which are of State-Political and Economic-Political
Importance of 7 November 1936.

Of 23 July 1937.

Paragraph 1 of the Fourth Decree for Executing the Four-Year
Plan, by assuring the supply of labor and raw materials for con-
struction projects which are of state-political and economic-po-
litical importance of 7 November 1936, shall read, effective 1
August 1937, as follows:

All private and public construction projects above and below
ground must be reported before commencement of work. Except for
construction projects which use not more than two tons of build-
ing iron.

Berlin, 23 July 1937.

The Commissioner for the Four-Year Plan
Goering
Minister President.

Certificate.

I herewith certify and confirm that the foregoing document,
consisting of one page, is a true and accurate copy of the German
Law Gazette (Deutscher Reichsgesetzblatt), issued in Berlin, and
mentioned in the foregoing.

Frankfurt on the Main, 20 January 1948.

(Signature) Dr. Hermann Muenzel
(Dr. Juris Hermann Muenzel)
Assistant defense counsel
Military Tribunal USA Nuremberg,
Germany, Case 6, Tribunal No. VI.

CERTIFICATE OF TRANSLATION

I, Th. Klein, AGO D 150 307, hereby certify that I am a duly
appointed translator for the German and English languages and that
the above is a true and correct translation of the Doc. Wt.R. No. 25.

Nuremberg, 9 February 1948

Th. Klein
AGO D 150 307

DEUTSCHER REICHSANZEIGER
und
PREUSSISCHER STAATSANZEIGER

No. 395 Berlin, Wednesday, 23 December 1936, evening....

Seventh Ordinance
for the Implementation of the Four-Year Plan, concerning the Pre-
vention of Illegal Termination of Employment.
Of 22 December 1936.

In view of the important tasks with which the iron and metal
trade, the building trade, the tile industry and agriculture are
faced in connection with the execution of the Four-Year Plan, and
in the interest of a well regulated utilization of labor in these
branches of industry, special care must be taken here in order
to ensure that workers or employees have their places of work only
after their employment has been terminated in the prescribed way.

I, therefore, decree the following:

In the iron and metal trade (para. 2 of the Second Ordinance
in Execution of the Four-Year Plan of 7 November 1936, *Deutscher
Reichsanzeiger* and *Preussischer Staatsanzeiger* No. 263 of 9 No-
vember 1936), in the building trade/in the tile industry and in
agriculture the employer is entitled, in case of unjustified ter-
mination of employment through the worker or employee, to retain
the labor force until such date as the employment would have ter-
minated, had the regular procedure been followed.

Berlin, 22 December 1936.

The Plenipotentiary for the Four-Year Plan
Goering
Minister President.

Certification.

I hereby certify that the foregoing document consisting of
one page is a true and correct copy of the above quoted *Deutscher
Reichsanzeiger*, issued at Berlin.

Frankfurt on the Main, 30 January 1937.

(Signature) Dr. Hermann Miesel.
(Dr. juris Hermann Miesel)
Assistant defense counsel
Military Tribunal USA Warburg,
Germany, Case 6, Tribunal No. VI.

CERTIFICATION OF TRANSLATION.

I, A. ZERNER, TFO 20 116, hereby certify that I am a duly
appointed translator for the German and English languages and that
the above is a true and correct translation of the document V.R.
No. 35.

Warburg, 6 February 1943.

A. Zerner
TFO 20 116

REICHSGESETZBLATT

Part I

1938	Issued at Berlin, 23 June 1938	No. 96
Date	Subject	Page
23 June 1938	Decree concerning the Assuring of Labor Supply for Tasks of Special National Importance	652

653

Decree concerning the Assuring of Labor Supply for Tasks of Special National Importance, of 22 June 1938.

In order to procure in good time the labor required for the carrying out of special important tasks which cannot be delayed, it must be possible to resort to labor, tied otherwise. Pursuant to the Decree concerning the Execution of the Four-Year Plan of 13 October 1936 (RGBl. I, page 657), I, therefore, decide the following:

Article 1

German nationals may be conscripted by the President of the Reich Institution for Employment Service and Unemployment Insurance for a limited period to perform services in a place of work assigned to them or to undergo a certain professional training.

Article 2

The general regulations governing the service and the Social Insurance are to be applied to the new employment or training contract. The employment or training contract can, however, only be terminated with the consent of the President of the Reich Institution for Employment Service and Unemployment Insurance.

Article 3

The persons conscripted for work or training and who are holding a job at the time of their conscription, are to get leave of absence for the duration of their conscription. The conscripted person must not be dismissed from his former job during his leave of absence. The conscripted person cannot claim wages or other compensations resulting from his regular employer during the period of his leave. The time of the conscript work performed by virtue of this decree is considered as service on the regular job.

Article 4

The President of the National Institution for Employment Service and Unemployment Insurance issues the regulations necessary for the execution and supplementation of this decree.

Article 5

This decree becomes effective on 1 July 1938.

Berlin, 23 June 1938.

The Plenipotentiary for the Four-Year Plan
G o e r l i n g
Minister President.

CERTIFICATE OF AUTHORITY

I, J. Vainmann, IDG 35 270, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document No. 27.

Dortmund, 5 February 1948.

J. Vainmann
IDG 35 270

SECRET

Part I

1938 Issued at Berlin, 15 October 1938 No. 100

Date	Subject	Page
15 October 1938	Third Decree concerning the Safeguarding of Labor Strength for Tasks of Special National Importance (Emergency Service Decree).	1-11

Third Decree concerning the Safeguarding of Labor Strength for Tasks of Special National Importance (Emergency Service Decree) of 15 October 1938.

Pursuant to the Decree concerning the Execution of the Four-Year Plan of 15 October 1936 (RGBl. I, page 387) I order the following:

Article 1

(1) For the relief of public emergencies as well as for the preparation of this relief, inhabitants of the Reich territory can be conscripted for emergency services for a limited period.

(2) Emergency services are requested by the government agencies (Article 4) for the fulfillment of sovereign tasks. They also include actions, tolerations and omissions.

(3) Services according to the Defense Law, in the National Labor Service, in the protection of the distant frontier, in the Police, in the SS-troops at the disposal for special tasks, in the SS-Death's Head Units as well as in the Air Field Training Service and in the Air Field Security and Auxiliary Service take its away; also precedence of emergency services.

(4) If foreign citizens are conscripted through state agreements or through other recognized provisions of international law, they are not to be conscripted for emergency services.

(5) The person conscripted for emergency service has the duty and the right to use objects which are in his possession at his disposal for his services upon the request of the person, entitled to request the service.

1-3

Article 3

(1) Emergency services are either requested for a longer or for a short period (longtime emergency service and shorttime emergency service).

(2) Longtime emergency service means that the employment is full time and lasts more than three days or is planned for a longer period than three days. In all the other cases we talk of short time emergency service; it does not constitute a work contract.

(3) The work contract in the emergency service can only be terminated by the authority which had conscripted the person liable to emergency service.

Article 4

(1) Whoever is to be conscripted for longtime emergency service is to be designated by the requesting agency (Article 2) to the Labor Office. The Labor Office can object to the conscription for reasons regarding the general utilization of labor.

Article 5

(1) Persons conscripted for emergency service who at the beginning of their service are still employed somewhere else, are to be granted a leave of absence for the duration of the emergency service. The employment contract must not be terminated because of the conscription for emergency service.

(2) In the case of shorttime emergency service the person conscripted for emergency service may claim his regular wages and the other compensations from his regular employer for a period of three days.

(3) The provisions of the Civil Service Law are to be applied for officials engaged in emergency service.

Article 6

Measures and decisions which have been passed by reason of this decree, can only be contested by a complaint.

Article 7

(1) The Reich Minister of the Interior is authorized to issue all legal and administrative directives necessary for the carrying out or the supplementation of this decree, particularly regarding the measures concerning Public Welfare and the Provisioning of the Public.

(2) The Reich Minister of Labor issues the provisions concerning the social insurance regulations.

Article 8

This decree takes effect on 1 September 1938.

Berlin, 15 October 1938.

The Plenipotentiary for the Four-Year Plan
G o e b b e s
General Field Marshal

CERTIFICATE OF TRANSLATION

I, J. Weismann, DPO 35 270, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document W. R. No. 28.

Munich, 6 February 1945.

J. Weismann
DPO 35 270.

REICHSGESSETZBLATT

Part I

1939	Issued at Berlin, 12 February 1939	No. 25
Date	Subject	Page
12 February 1939	Decree relating to the Assuring of Labor Supply for Tasks of Special National Importance	206

306

Decree relating to the Assuring of Labor
Supply for Tasks of Special National Importance
Of 12 February 1939.

The carrying out of urgent duties of particular significance for the State may not be endangered by a lack of personnel. If such duties are to be carried out it must be possible to draw the inhabitants of the Reich territory into the work and to tighten the obligation to stay in one's place of work.

Pursuant to the ordinance for carrying out the Four-Year Plan of 18 October 1936 (RGBl. I, page 887) I, therefore, decree the following:

SECTION I

Compulsory service

Article 1

(1) For duties which the Delegate for the Four-Year Plan designates as specially important and urgent, the Labor Office can conscript inhabitants of the Reich territory for compulsory service. In addition the Labor Office can take workers from private and public enterprises and administrations.

(2) If they are exempted through State agreements or through other recognized provisions of international law, foreign citizens are not to be conscripted.

Article 2

(1) Conscripted people persons who are only conscripted for a certain time and who are employed elsewhere are considered as being on leave of absence. During this leave of absence the conscripted person must not be dismissed from the job he held up to that time. The conscripted person cannot claim wages or any other compensation from his regular employer during his leave of absence.

The time of the conscript work, performed by virtue of this decree is considered as service on the regular job.

(2) If a person is conscripted for an unlimited period, his present work contract is terminated.

(3) The wage scale agreement, the factory regulations or the service regulations of the new working place are to be applied to the work contract.

(4) If a person, conscripted for an unlimited time loses his claims resulting from his former work contract and these claims are not compensated by claims derived from the new contract, the new employer can be compelled to indemnify the conscripted person in order to avoid special hardships.

(5) A work contract only can be terminated with the consent of the Labor Office.

Article 3

The conscripted person can be requested to undergo a training as preparation for his job.

Article 4

(1) The conscripted person has upon request of the Labor Office to submit all necessary documents and to give all information required. The Labor Office can also request the personal appearance of the conscripted person.

(2) The conscripted person has the duty and the right to use upon the request of the Labor Office objects which he has in his possession or in his custody in the performance of his service.

SECTION II

Restriction on Changing Place of Work.

Article 5

(1) The Reich Minister of Labor may for special state-political reasons make the termination of work contracts dependent on the approval of the Labor Office in other cases than those covered by Article 2, para. 5.

(2) He may decree that the employment and recruiting of workers and employees is dependent on the consent of the Labor Office.

SECTION III

Final Provisions

Article 6

All public and private enterprises and administrations are obliged to comply with the requests of the Labor Offices directed to them in the execution of this decree. These requests can either concern an individual case or general statements.

Article 9

The Reich Minister of Labor will issue the regulations, required for the execution and implementation of this decree. He also can take all measures necessary in the sphere of Labor Law, the Protection of Labor and the Reich Insurance for the execution of this decree.

Article 10

This directive will take effect with the date of its promulgation. At the same time the following decree will become ineffective:

the decree relating to the insuring of Labor for Tasks of Special National Importance of 12 June 1938 (RGBl. I, page 658).

Berlin, 13 February 1948.

The Plenipotentiary for the Four-Year Plan
Goering
General Field Marshal

CERTIFICATE OF TRANSLATION

I, J. Weinmann BTO No. 35 270, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document No. R.R. No. 29.

9 February 1948

J. Weinmann
BTO 35 270

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Part I

1.39	Issued at Berlin, 6 March 1939	No. 40
Date	Subject	Page
2 March 1939	First Order Implementing the Decree concerning the Assuring of an Adequate Labor Supply for Tasks of Special National Importance (Compulsory Labor Implementation Order)	403

First Order Implementing the Decree concerning the Assuring of an Adequate Labor Supply for Tasks of Special National Importance (Compulsory Labor Implementation Order). Of 2 March 1939

Pursuant to the Decree concerning the Assuring of an Adequate Labor Supply for Tasks of Special National Importance, of 13 February 1939, (RGBl. I, page 306), the following is decreed:

Article 1

(1) Labor requirements for tasks designated by the Plenipotentiary General for the Four-Year Plan to be particularly important and urgent, are to be reported by the plant manager to the President of the District Labor Office in whose District the tasks are to be carried out, unless the required workers can be made available by measures within the enterprise or by an allocation by the local Labor Office.

Article 2

(1) The report of the plant manager (Art. 1) is at the same time an order for the assignment of the required workers.

(2) If, pursuant to the order, workers have been assigned to the employer for compulsory service, a work - or service contract at the terms stipulated in the report has been concluded between the employer and the worker, simultaneously with the delivery of the order concerning this particular compulsory work; the terms of the wages scale agreement, factory- (service-) regulations in effect at the new place of employment as well as the regulations of Article 13 shall remain in full force. The work - or service contract shall take effect at the time work is taken up as stipulated in the compulsory work order.

Article 3

(1) The order to perform compulsory labor may include the performance of any kind of service. The drafted person's capacities shall be utilized by taking due regard to his training and qualifications.

(2) Persons drafted to perform compulsory labor and their prospective plant manager shall be heard before issuing the compulsory work order, insofar as this does not endanger the procurement of such labor for the appointed time. The person drafted for compulsory work shall be informed of the terms under which this work is to be performed.

Article 4

(1) Persons to be drafted for compulsory work must be physically fit to perform the work. In case of doubt their fitness shall be ascertained by a medical examination.

Article 5

(1) The order to perform compulsory work shall be issued by the Labor Office in whose district the drafted person has his domicile and customary residence.

.....

Article 6

(1) The compulsory work order shall be handed over to the person drafted to perform compulsory work.

(2) Drafted persons who are employed shall submit the compulsory work order to the plant manager immediately upon receipt. In addition to this, the Labor Office shall forward a copy of the compulsory work order to the plant manager.

(3) An adequate period of time shall intervene between the day the compulsory work order is issued and the day work is to be taken up.

.....

Article 23

406

This decree shall take effect as of 1 February 1939. It will take the place of the Order for the Implementation of the Decree concerning the Assurance of an Adequate Labor Supply for Works of Special National Importance, of 29 June 1938. (Deutscher Reichsanzeiger und Preussischer Staatsanzeiger No. 149).

Berlin, 2 March 1939.

The Reich Labor Minister
By Order
Dr. Grop.

.....

Document Wt. R. No. 30
Sgt. No.

CERTIFICATE OF TRANSLATION

I, G. Lauener ETO 20 123, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt. R. No. 30.

9 February 1948

G. Lauener
ETO No. 20 123

REICHSGESETZBLATT

Part I

1939	Issued at Berlin, 11 March 1939	3. 42
Date	Subject	Page
10 March 1939	Second Order Implementing the Decree concerning the Assuring of an Adequate Labor Supply for Firms of Special National Importance (Restriction of the Right to Change Employment)	442

Second Order Implementing the Decree concerning the Assuring of an Adequate Labor Supply for Firms of Special National Importance (Restriction of the Right to Change Employment). Of 10 March 1939.

Pursuant to the Decree concerning the Assuring of an Adequate Labor Supply for Firms of Special National Importance of 13 February 1935 (Reich. G. 1, page 205), the following is hereby decreed:

SECTION I

General Regulations

Article 1

Pursuant to this order the restrictions placed on the termination and conclusion of employment contracts etc. include workers and employees required to carry a labor pass and to their plant managers. They shall be applicable to members of the family who regularly aid in enterprises and households of spouses, parents, grandparents, brothers or sisters, even though they are not employed as workers or employees.

Article 2

Enterprises within the domain of this decree are private and public enterprises and administrations of every description.

SECTION II

Termination of Employment Contracts

Article 3

(1) The restrictions placed on the termination of employment contracts extend to the following enterprises:

Agriculture
Forestry
Mining, with the exception of pit coal mining,
the Chemical Industry
the production of building materials
the iron and metal trade.

The limits of the economic branches within the meaning of this decree are defined in enclosure 1.

Article 3.

(2) In the enterprises enumerated in Section 1, the managers, workers and employees may not give notice unless the Labor Office has consented to the termination of the employment contract. A notice to terminate employment before the previous approval of the Labor Office has been obtained is legally ineffective, unless the Labor Office, in exceptional cases, subsequently approves such notice of termination.

Article 4

(1) An approval according to Article 3, para. 2, is not required if the contracting parties are agreed upon the termination of the employment contract.

SECTION III

Restrictions placed on Hiring.

Article 5

(1) Enterprises of any kind may hire workers, apprentices, trainees and unpaid apprentices (Volontarios) under the age of 25 only with the consent of the Labor Office.

Article 7

(1) Enterprises of any kind may hire metal workers only with the consent of the Labor Office, this does not apply to hiring workers for agricultural enterprises.

(2) Metal workers within the meaning of para. 1 are workers, plant officials, plant supervisors and technicians, insofar as they have served a regular professional apprenticeship in the iron and metal trade and also other persons considered to be skilled tradesmen according to the entries in their labor pass.

Article 8

445

(1) The managers of enterprises of any description and heads of households may not hire workers and employees who, according to their labor pass, have been employed in

Agriculture
Forestry
Mining, with the exception of pit coal mining,
the Chemical Industry,
the production of building materials
the iron and steel trade,
unless previous consent of the Labor Office has been obtained.

.....

Article 9

(1) Enterprises of the building trades may only hire persons - regardless of their previous activity - as workers and technical employees with the approval of the Labor Office.

.....

SECTION IV

Restrictions of the Right to Change Employment with Regard
to Individual Plants.

Article 10

(1) The Presidents of the District Labor Offices may impose the obligation upon plant managers, workers and employees in enterprises not covered by the regulations of Section II to give notice of the termination of their contract only if the Labor Office has consented to a dissolution of the employment contract. The regulations of Section II shall be applied accordingly.

(2) The Presidents of the District Labor Offices may impose the obligation upon individual enterprises to hire workers whose employment according to section III is not subject to approval only with the consent of the Labor Office.

(3) Information of this condition shall be in writing. It shall be delivered to the plant manager. He shall make a copy of the latter containing this condition laid down in para. 1 and post it on a suitable place accessible to the personnel of the enterprise. The posted copy shall be considered sufficient notification of the workers and employees affected by this condition.

.....

Article 15

246

(1) This decree shall take effect on 15 March 1939.

.....

Berlin, 10 March 1939

The Reich Labor Minister
By Order
Dr. Syrup.

Enclosure 1

Definition of the Industrial Branches according to Art. 3,
para. 1 *)

.....

- *) Enterprises with a mixed production are also included, if they are predominantly engaged in the industrial branches enumerated here and/or maintain independent branch plants in these vocational fields.

647

3) Mining

- a) Production of brown coal and brown coal briquettes
- b) Production of ores.
- c) Salt mining.
- d) Production of mineral oils.
- e) Mining work in connection with preparatory work for the opening up of new pits for enterprises of the mining branches enumerated under "a" to "d".

4) Chemical Industry

- a) Industry of heavy chemicals
- b) Etheral-burning and distillation
- c) Nitrogen industry
- d) Fertilizer industry
- e) Coal-tar byproduct industry
- f) Enterprises manufacturing explosives, ignition materials, pyrotechnical goods and fuses
- g) Production of celluloid, artificial horn and similar goods.
- h) Photo-chemical industry
- i) Coal tar distillation
- j) Bituminous tar distillation
- k) Distillation, cracking, and hydration of mineral oils
- l) Production and processing of natural resins,
- m) Production of rayon, cellulose, paper and synthetic fibres.

5) Production of Building Material

- a) Production and rough processing of natural stones and minerals
- b) Lime-, gypsum-, soft stone- (foam) and cement industry
- c) Concrete- and concrete building materials industry
- d) Brick- and building stone industry
- e) Saw mills and planing mills
- f) Production of reinforced wire and telephone wires

6) Iron and Steel Trade

- a) Production of iron and steel
- b) Metal works and works manufacturing semi-finished products
- c) Production of iron-steel- and steel goods.
- d) Construction of machines, equipment and vehicles
- e) Electro-technical industry
- f) Optical and fine mechanical goods industry.

.....

CERTIFICATE OF TRANSLATION

I, G. Lechner, ITO 20 123, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt.R. No. 31.

Munich, 6 February 1945.

G. Lechner
ITO 20 123

REICHSGESSETZBLATT

Part I

1939	Issued at Berlin, 5 September 1939	No. 157
Date	Subject	Page
1 September 1939	Decree for the Amendment of Regulations concerning Allocation of Labor and Unemployment Relief	1662
	
	. . . . .	1662

Decree for the Amendment of Regulations concerning Allocation of Labor and Unemployment Relief *)
Of 1 September 1939

The Ministerial Council for the Reich Defense decrees with effect of law:

Article 1

The Reich Labor Minister shall be empowered to bring the regulations concerning unemployment relief and allocation of labor in line with national interests.

Article 2

This decree shall become effective on the day of its promulgation.

Berlin, 1 September 1939.

The Chairman of the Ministerial Council for the Reich
Defense
G o e r i n g
General Field Marshal

The Reich Minister and Chief of the Reich Chancellery
Dr. L a m m e r s.

.

*) Does not affect Danzig.

CERTIFICATE OF TRANSLATION

I, G. Lauener ETO 20 123, hereby certify that I am a duly appointed Translator for the German and English languages and that the above is a true and correct translation of the Document Wt. R. No. 32.

G. LAUENER
ETO 20 123

REICHSGESSETZBLATT

Part I

1939	Issued at Berlin, 7 September 1939	No. 159
Date	Subject	Page
.....		
1 September 1939	Decree concerning the Restriction to Change Places of Work	1785
.....		
		1885

Decree concerning the Restriction
to Change Places of Work
Of 1 September 1939

The Ministerial Council for the Reich Defense Decrees with
effect of law:

SECTION I

Dissolution of Employment Contracts

Article 1

(1) Plant managers, workers, employees, apprentices, trainees
and unpaid apprentices may give notice for the termination of an
employment contract (apprenticeship contract) only if the Labor
Office has agreed to the dissolution of the employment contract.

(2) A notice of termination without previous approval is
legally ineffective, unless the Labor Office subsequently approves
of the dissolution in exceptional cases.

Article 2

An approval according to Article 1, para. 1 and 2 is not
required:

1. if the contracting parties are agreed upon the dissolution of the employment contract,
2. if the enterprise (building project) has been forced to shut down,
3. if the worker, employee or apprentice has been hired temporarily or on probation and the employment contract (apprenticeship contract) will be terminated within a month.

SECTION II

Obligation to Report

Article 3

Anyone who, according to Article 3, does not require approval for the dissolution of an employment contract (apprenticeship contract) shall report to the Labor Office competent for his last domicile or usual residence, immediately upon quitting his place of employment.

SECTION III

Restrictions of the Right to Hire

Article 4

(1) Enterprises (private and public enterprises and administrations of all descriptions) and heads of households may hire workers, employees, apprentices, unpaid apprentices and trainees only with the approval of the Labor Office.

(2) An approval is not required for employment in agriculture.

SECTION IV

Other Provisions

...

Article 5

(1) In deciding upon applications for the termination or conclusion of employment contracts the Labor Office shall take into account:

- a) the political and social considerations,
- b) the general instructions concerning vocational replacement requirements and wage policy,
- c) the vocational advancement of the workers and employees.

(2) The approval may be given subject to conditions.

SECTION V

Exemptions

Article 10

The Reich Labor Minister shall be empowered to exempt branches of industries, enterprises, households and persons from the provisions of Sections I and III. He may delegate this authority to the Presidents of the Regional Labor Offices.

...

SECTION VI

1936

Final Provisions

Article 13

(1) This Decree shall become effective on the day of its promulgation.

(2) At the same time the following orders shall become void:

- a) The Secret Order implementing the Decree concerning the securing of an adequate labor supply for Trades of National Importance (Restriction of the Reich to Certain Places of Work) of 10 March 1939 (RGBl. I, page 464).

Berlin, 1 September 1936

The Chairman of the Ministerial Council for
the Reich Defense
Goring
General Field Marshal

The Reich Minister and Chief of the Reich
Chancellery
Dr. Lohse.

CERTIFICATE OF TRANSLATION

I, G. Lausner, Wt. 20 123, hereby certify that I am a duly appointed Translator for the German and English languages and that the above is a true and correct translation of the Document Wt. 1, 10. 33.

G. LAUSNER
Wt. 20 123

REICHSGESETZBLATT

Part I

1940 Issued at Berlin, 28 March 1940 No. 54

Date	Subject	Page
21 March 1940	Decree concerning the Shutting down of Enterprises for the Purpose of Relocating Workers	504

Decree concerning the Shutting down of
Enterprises for the Purpose of Relocating
Workers
of 21 March 1940.

Pursuant to the Decree for the Amendment of Regulations concerning Allocation of Labor and Unemployment Relief, of 1 September 1939 (RGBl. I, page 1632) it is hereby decreed:

Article 1

If the District Economic Office or another official agency designated by the competent Reich Minister requests an operator to shut down his enterprise or part of it at a definite date, then the employment contracts of the personnel of this enterprise or of the Department involved shall terminate with the shut-down. This does not apply to individual workers who - with the approval of the Labor Office - continue to work beyond this date, particularly as care-takers of the enterprise.

Article 2

Where there exist provision for the improvement of the condition of the employees or their families (Pension-, Relief-Funds, etc.) in a shut-down enterprise, to which the personnel had contributed, final decisions regarding their continuance or dissolution and regarding the employees' or their families' claims to such funds shall be made by the supervisory authority, in case these funds are under state supervision, and in other cases by the Reich Labor Trustee.

Article 4

Further provisions for the execution and supplementation of this decree may be issued by administrative orders. Doubtful cases shall be decided by the Reich Labor Minister, or the agencies designated by him, by way of an administrative order, such orders to have binding force also upon the courts.

Article 5

(1) This decree shall become effective on the day of its promulgation. It shall be applied also to enterprises which have been shut down before this date.

(2) This decree shall not be applicable to enterprises whose operations have been suspended pursuant to an official order for the evacuation of a certain district.

Berlin, 21 March 1940

The Reich Minister for Labor
By Order
Dr. Syrup.

CERTIFICATE OF TRANSLATION

I, G. Lauerer BTG 20123, hereby certify that I am a duly appointed Translator for the German and English languages and that the above is a true and correct translation of Document- Wt.R.No.34.

G. LAUERER
BTG 20123

REICHSGESSETZBLATT

Part I

15-2	Issued at Berlin, 20 May 1942	No. 35
Date	Subject	Page
20 May 1942	Decree relating to the Safeguarding of Labor Strength in the War Economy	340

340

Decree relating to the Safeguarding of Labor Strength
in the War Economy. Of 20 May 1942.

In order to obtain maximum war technological production, it is necessary to safeguard by all means the necessary labor strength in plants important for the war economy. Especially the change of place of work from plants of the war economy has to be restricted to special particularly urgent individual cases. In implementation of the decree concerning the restriction on changing places of work of 1 September 1939 (RGBl., I, page 1683), I hereby decree the following in accordance with the decree concerning the execution of the Four-Year Plan of 18 October 1938 (RGBl., I, page 887):

Article 1

In plants of the war economy employment contracts can only be terminated by the Labor Office. Insofar it had been agreed to terminate the employment contracts at a future date, they will be prolonged until further notice. The same stands for limited employment contracts which would be terminated owing to the expiration of time.

Article 2

Whoever leaves his place of employment in a plant of the war economy without the consent of the Labor Office or whoever discharges an employee from a plant of the war economy will, according to para. 11 of the Decree concerning the execution of the Four-Year Plan of 8 November 1938 (RGBl., I, page 933) be punished by imprisonment and by fines, the latter to an unlimited amount, or by one of these punishments.

Article 3

The Plenipotentiary General for Labor Allocation will regulate all necessary. He especially decides which plants and persons belong to war economy according to this decree.

Article 4

(1) This decree will take effect with the date of its promulgation.

(2) It becomes ineffective on 1 October 1943.

Berlin, 20 Jan 1942.

The Plenipotentiary for the Four-Year Plan
Goering
Reichsfuehrer.

CERTIFICATE OF TRANSLATION

I, J. Weinmann BPO 35 270, hereby certify that I am a duly appointed Translator for the German and English languages and that the above is a true and correct translation of the Document Wt. R. No. 35.

J. WEINMANN
BPO 35 270

Case 6
Defense

Military Tribunal VI

Case VI

The Regulation of the Economy

in the Third Reich

(for all Defendants)

Document Book II

Submitted by the Defense
Counsel

Dr. Erich Berndt

Karl Bornemann

Teng



The Regulation of the Economy

in the Third Reich.

Compilation of the most important laws,
decrees, etc. regulating German economy
since 1933.

(With the aid of these laws and decrees the formerly
free German private economy was, gradually, under
the Third Reich, coordinated, first in general plan-
nings, then directed by the State, dominated by the
National Socialists and finally ruthlessly subjugat-
ed, and was thus transformed into a governed economy.)

In the following index the laws and decrees are arranged in seven different groups of documents according to their special fields, namely:

- I. The fundamental measures of the Third Reich
- II. The Labor Allocation Laws of the Third Reich
(Ad I and II contained in Document Book I)
- III. The National-Socialist Compulsory Regulations on Prices and Profits
- IV. The Third Reich Laws on Foreign Exchange.
(Ad III and IV contained in Document Book II).
- V. The Special Laws of the Third Reich for the Control of Production and Commerce.
- VI. The Compulsory Measures in the Construction Field.
- VII. The Anti-capitalist Result of the National-Socialist Suppression of free enterprise.
(Ad V, VI and VII contained in Document Book III).

Within each group of documents the laws and decrees are arranged according to their date.

Index of Document Book II

The Regulation of the Economy in the Third Reich

Doc. No.	Exh. No.	Subject	Page
III. Group of Documents, relating to			1
National-Socialist Compulsory Regulations on Prices and Profits which result practically in the elimination of the free initiative of the entrepreneur and brought the economy through price and profit regulations into the hands of the National- Socialist Nat. Leadership.			
36.		Law on Price Regulations, (Discount Law) of 29 November 1931 (RGBl. I, page 1011)	2
		(With the Executive Decree of 21 February 1934 - RGBl. I, page 120 - as worded anew by the Decree of 29 February 1935 - RGBl. I, page 260 - and of 29 July 1933 - RGBl. I, page 731 -).	
37.		Law concerning the Appointment of a Reich Commissioner for Price Control of 5 November 1934 (RGBl. I, page 1085)	4
38.		Decree on Price Regulations and against the Increase of Living Costs of 12 November 1934 (RGBl. I, page 1110)	5
39.		Law on the Extension of the Powers of the Reich Commissioner for Price Control of 4 December 1934 (RGBl. I, page 1201)	7
40.		Law controlling the Distribution of Profits by Companies (Loan Stock Law) of 4 December 1934 (RGBl. I, page 1222).	8
		(The attitude of National-Socialism toward Capital and Great Industry is to be seen quite clearly from the law).	

Index of Document Book II

The Regulation of the Economy in the Third Reich

Doc. No.	Doc. No.	Subject	Page
41.		Ordinance on Price Control of 11 December 1934 (RGBl. I, page 1245)	11
42.		Decree on Competition of 21 December 1934 (RGBl. I, page 1230)	12
43.		Ordinance concerning administrative fines for infractions of the regulations on price tags and established prices of 8 January 1935 (RGBl. I, page 10)	14
44.		Law Relating to Interest Reduction by Banking Institutions of 24 January 1935 (RGBl. I, page 45) (Executive Decrees were passed in 1935 to 1937)	15
45.		Law for the execution of the Four Year Plan - Appointment of a Reich Commissioner for Price Control - of 28 October 1935 (RGBl. I, page 927)	16
46.		Decree concerning the Prohibition of Price Increases of 25 November 1935 (RGBl. I, page 955)	18
		(The fundamental decree on the so-called "price-stop" (price ceiling) which prevented every free economical price and profit calculation for the benefit of the state-national socialistic wishes and aims).	

Index of Document Book II

The Regulation of the Economy in the Third Reich

Doc. No.	Exh. No.	Subject	Page
47.		Decree concerning price control based upon the net cost of services for public consignors of 15 November 1938 (RGBl. I, page 1623)	20
		with annex: Directives for the ascertaining of prices for services for public agencies on the basis of costs (ISOG)-of 15 November 1938 (RGBl. I, page 1624)	
		(Pursuant to decrees and directives, guides for the ascertaining of prices for orders of public agencies were issued - RIGS - on 15 November 1938 with first amendment on 24 March 1941 - Deutscher Reichsanzeiger No. 73 on 27 March 1941 - and second amendment of 12 February 1942 - Deutscher Reichsanzeiger of 2 March 1942 -	
		In view of the extent of the orders for public agencies, by which the German domestic economy was mainly set in motion since 1933, the directives had the most decisive results on the price policy of the private industry).	
48.		Decree concerning Price Control based upon the net cost of construction services for public consignors of 25 May 1940 (RGBl. I, page 850) and annex: Guide for the Price Calculation based upon cost prices of construction work for public consignors (ISBOG) of 25 May 1940 (RGBl. I, page 851)	23
49.		Decree on Limitation of the Distribution of Dividends of 12 June 1941 (Dividend Tribute Decree) of 12 June 1941 (RGBl. I, page 523).	27

Index of Document Book II

The Regulation of the Economy in the Third Reich

Doc. No.	Exh. No.	Subject	Page
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IV. Series of documents, relating to the

30

Foreign Exchange Laws of the Third Reich.

The foreign exchange legislation was based on the Third Emergency Decree of the Reichspräsident von Hindenburg for the Salvation of People and State of 15 June 1931, which in its fundamentals already contained a seizure of all foreign exchange assets and a general obligation for offering and if necessary for handing over of these assets. In practice this decree and the executive decrees issued before 1933, through granting of general licenses, through permitting the retention of foreign exchange operating funds, through exemption of certain groups of funds from the obligation of delivery, left a certain latitude for the initiative of the entrepreneur.

As can be seen from the following laws and decrees, the foreign exchange legislation in the Third Reich became tighter and tighter, the penalties for violations of the foreign exchange regulations harder and harder (until the initiation of the death penalty by the Law Against Economic Sabotage, Document No. 53). Circular Decree 152/35 (Document No. 54) extended at the same time the Third Reich's foreign exchange control practically to the foreign holdings of the German industry (also those of the I.G.) controlled by one or more Germans and hereby subjected the management of the affairs of these foreign firms to a large extent to the control of the national socialist economic authorities.

The Regulation of the Economy in the Third Reich

Doc. No.	Em. No.	Subject	Page
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50.

Excerpt from the Reichsgesetzblatt 1935, Part I, No. 10, page 105 and following

31

The excerpt shows the enactment of the following laws etc.:

- a) Decree on the Control of Foreign Exchange of 23 May 1933 (RGBl. I, page 231)
- b) Executive Decree to the Decree on Control of Foreign Exchange of 23 May 1933 (RGBl., I, page 353)
- c) Fourth Executive Decree to the Decree on the Control of Foreign Exchange of 8 May 1933 (RGBl., I, page 276)
- d) Law relating to Liabilities toward Foreign Countries of 9 June 1933 (RGBl., I, page 340)

51.

Law relating to Treason against the German Economy of 12 June 1933 (RGBl., I, page 350)

40

50.

Excerpt from the Reichsgesetzblatt 1935, Part I, No. 10, page 105 and following (as quoted above)

31

The excerpt shows furthermore the enactment of the following laws:

- a) Fifth Executive Decree to the Decree on the Control of Foreign Exchange of 20 July 1933 (RGBl., I, page 531)
- b) Sixth Executive Decree to the Decree on the Control of Foreign Exchange of 19 September 1933 (RGBl., I, page 673)
- c) Law on the Establishment of a Reich Office for the Control of Foreign Exchange of 15 December 1933 (RGBl., I, page 578)
- d) Decree on the Establishment of a Reich Office for the Control of Foreign Exchange of 19 December 1933 (RGBl., I, page 1069)
- e) Seventh Executive Decree to the Decree on the Control of Foreign Exchange of 22 December 1933 (RGBl., I, page 1112)
- f) Law on the Amendment of the Decree on the Control of Foreign Exchange of 15 February 1934 (RGBl., I, page 9)
- g) Eighth Executive Decree to the Decree on the Control of Foreign Exchange of 17 April 1934 (RGBl., I, page 319)

Index of Document Book II

The Regulation of the Economy in the Third Reich

Doc. No.	En. No.	Subject	Page
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h) Fifth Executive Decree to the Decree on the Control of Foreign Exchange of 15 June 1934 (RGBl., I, page 510)

1) Decree for the Amendment of the Decree on the Control of Foreign Exchange of 11 September 1934 (RGBl., I, page 829)

k) Decree for the Amendment of the Decree on the Control of Foreign Exchange of 29 September 1934 (RGBl., I, page 935)

1) The Tax Adjustment Law of 16 October 1934 (RGBl., I, page 935)

a) Tenth Executive Decree to the Decree on the Control of Foreign Exchange of 22 December 1934 (RGBl., I, page 1390)

n) Law on the Control of Foreign Exchange of February 1935 (RGBl., I, page 105)

o) Decree on the Control of Foreign Exchange (Guides for the Control of Foreign Exchange) of 4 February 1935 (RGBl., I, page 119)

82.

Excerpt from the Reichsgesetzblatt 1935, Part 1, No. 211, page 1733 and following.

The Excerpt shows the enactment of the following laws etc.:

a) The Executive Decree to the Law on Foreign Exchange Control of 4 February 1935 in the wording of Article 2 of the Decree on the Introduction of the Legislation on Foreign Exchange and Clearings with Foreign Countries in the Saarland of 23 February 1935 (RGBl., I, page 278)

b) Second Executive Decree to the Law on Foreign Exchange Control of 24 July 1935 (RGBl., I, page 1046)

c) Third Executive Decree to the Law on Foreign Exchange Control of 1 December 1935 (RGBl., I, page 1405)

d) Fourth Executive Decree to the Law on Foreign Exchange Control of 23 December 1935 (RGBl., I, page 1543)

e) Fifth Executive Decree to the Law on Foreign Exchange Control of 25 May 1936 (RGBl., I, 457)

f) Sixth Executive Decree to the Law on Foreign Exchange Control of 28 October 1936 (RGBl., I, 930)

Index of the Document Book II

The Regulation of the Economy in the Third Reich

Doc. No.	Doc. No.	Subject	Page
		e) Seventh Executive Decree to the Law on Foreign Exchange Control of 19 November 1936 (RGBl., I, page 946)	
53.		Law against Sabotage of the Economy of 1 December 1936 (RGBl., I, page 999)	50
52.		Excerpt from the Reichsgesetzblatt 1938, Part I, No. 211, page 1733 and following (as quoted above) The excerpt shows furthermore the enactment of the the following laws etc.: a) Law for the Revision of the Law on Foreign Exchange Control of 1 December 1936 (RGBl., I, page 1000) b) Eighth Executive Decree to the Law on Foreign Exchange Control of 17 February 1937 (RGBl., I, page 242) c) Ninth Executive Decree to the Law on Foreign Exchange Control of 20 February 1937 (RGBl., I, page 268) d) Tenth Executive Decree to the Law on Foreign Exchange Control of 16 September 1937 (RGBl., I, page 1016) e) Eleventh Executive Decree to the Law on Foreign Exchange Control of 30 March 1938 (RGBl., I, page 343) f) Second Law for the Revision of the Law on Foreign Exchange Regulations of 9 April 1938 (RGBl., I, page 375) g) Law on Foreign Exchange Control of 12 December 1938 (RGBl., I, page 1734)	47
54.		Excerpt from the Book: Fied, Bernhard and Fabricius: The New Foreign Exchange Law. Collection of Provisions concerning the Foreign Exchange Law, First Volume, Text and Commentary, Second Edition, Vahlen Publishers, Berlin 1939. (Comments on the Circular Decree 153/36 of the Reich Finance Minister mentioned above in "IV. Series of Documents").	51

Index of Document Book II

The Regulation of the Economy in the Third Reich.

Document No.	Doc. No.	Subject	Page
55.		Decree on Foreign Exchange Control (Directives for the Foreign Exchange Control) of 22 December 1938 (RGBl., I, page 1851)	57
56.		Executive Decree to the Foreign Exchange Control Law of 22 December 1938 (RGBl., I, page 1966)	60
57.		Second Regulation for the Administration of the Foreign Exchange Control Law of 15 March 1939 (RGBl., I, page 503)	62
58.		Third Executive Decree to the Foreign Exchange Control Law of 29 April 1939 (RGBl., I, page 879)	63

(The Fourth and further Executive Decrees were enacted during the war.)

Military Tribunal VI

Case VI

I certify that all documents in this document book are true and
literal copies of those documents which were submitted to the court.
Nuremberg, 26 January 1949.

(Signature) Kessel
(Dr. jur. Hermann Kessel)
Assistant defense counsel.

III. Series of Documents, relating to

Die National-Socialist Compulsory
Regulations on Prices and Profits

PREISEGEGESITZGEBETT

Part I

1933	Issued at Berlin, 29 November 1933	No. 134
Date	Subject	Page
25 November 1933	Law on Price Abatements (Discount Law) Of 25 November 1933	1011
.		

Law on Price Abatements (Discount Law)
Of 25 November 1933.

The Reich Government has enacted the following law which
is hereby promulgated:

First Part

Price Abatements

Article I

(1) If in the course of business transactions of the retail
trade, goods of every-day use are sold to the least consumer, or
if services of an every-day nature are rendered to the least user,
price abatements for competitive reasons may only be announced
or granted in accordance with the following provisions.

(2) Price abatements, in the meaning of this law, are de-
fined as abatements from prices which the entrepreneur announces
or generally offers for, or special prices which are allowed
people on account of their belonging to certain groups of con-
sumers, professions, associations or societies.

SECTION I

Cash Discounts

.

SECTION II

1012

Quantity Discounts

.

SECTION III

Special Discounts

.

Second Part

Final Provisions

Article 11

Any person contravening, intentionally or through negligence any of the provisions of this law, will be liable to a fine. In case the perpetrator has already been repeatedly convicted of contraventions of this law, imprisonment may be imposed.

.....

Article 1

(1) This law takes effect on 1 January 1934.

.....

Article 17

1013

The Reich Minister for Economics will issue the legal and administrative regulations required for the implementation of this law. He may also issue regulations in supplementation and in amendment of this law.

Berlin, 23 November 1933.

The Reich Chancellor
Adolf Hitler

The Reich Minister of Economics
Dr. Schacht

.....

CERTIFICATE OF TRANSLATION

I, A. Thumann STO No. 20 116, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document No. W.R. No. 36.

2 February 1968

A. Thumann
STO No. 20 116

REICHSGESCHESSENDAFT

Part I

1934	Issued at Berlin, 5 November 1934	No. 123
Date	Subject	Page

5 November 1934	Law concerning the Appointment of a Reich Commissioner for Price Control . . .	1025
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Law concerning the Appointment of a Reich Commissioner for Price Control.
Of 5 November 1934.

The Reich Government has enacted the following law which is hereby promulgated:

Article 1

Up to 1 July 1935, the tasks and powers assigned to the Reich Minister for Economics and the Reich Minister for Food and Agriculture by the law on the transfer of the tasks and powers of the Reich Commissioner for Price Control of 15 July 1933 (RGBl. I, page 90), will be exercised by a Reich Commissioner for Price Control. The tasks and powers also include the control of prices asked for by corporations under public law and associations the formation of which is proscribed in laws or decrees or which have been forced pursuant to special legal authorizations.

Article 2

The Reich Commissioner for Price Control will be appointed by the Fuehrer and Reich Chancellor. He is subordinate to the Fuehrer and Reich Chancellor; his seat of office is in Berlin.

Berlin, 5 November 1934.

The Fuehrer and Reich Chancellor
Adolf Hitler

The Reich Minister of the Interior
Frick

The Acting Reich Minister of Economics
Hjalmar Schacht
President of the Reichsbank Directorate

The Reich Minister for Food and Agriculture
B. Walther Dierck

CERTIFICATE OF TRANSLATION

I, A. Jermann STO No. 20 116, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document No. 2, No. 37.

9 February 1948

A. Jermann
STO No. 20 116

REICHSGESCHETZBLATT

Part I

1934	Issued at Berlin, 15 November 1934	No. 135
Date	Subject	Page
20 October 1934	First Decree for the Organization of Social Insurance	1105
.		

Decree on Price Agreements and against the Increase of Living cost.
Of 12 November 1934 *).

Pursuant to the decree on the powers of the Reich Commissioner for Price Control of 3 December 1931 (Reich GBl. I, page 767) and in conjunction with the Law concerning the Appointment of a Reich Commissioner for Price Control (Reich Law Gaz. I, page 1085) the following is hereby decreed:

Article 1

Only with my approval or the approval of the offices commissioned by me, associations and other combinations under public or civil law may only fix, agree upon, or recommend prices, minimum prices, margins, maximum reductions or charges in the internal German business for vital goods of daily consumption or for vital services for the satisfaction of daily needs. Nor may they change such fixations, agreements and recommendations to the detriment of the consumer. Any fixations, agreements and recommendations decided upon after the coming into effect of this decree without my such approval, are null and void.

Article 2

Producers or wholesalers may only fix anew or agree anew upon retail prices, margins, maximum reductions or charges for vital goods of daily consumption and vital services for the satisfaction of daily needs in the internal German business or change such fixations or agreements to the detriment of the buyer in the retail trade, subject to my approval. Any such fixations or agreements decided upon without my such approval after the coming into effect of this decree are null and void.

*) Published in the Deutsche Reichsanzeiger und Preussische Staatsanzeiger No. 366 of 12 November 1934.

The flow of goods from producer to consumer is not to be hampered, slowed down or rendered more expensive through the inter-
mediation of all manner of economically unnecessary intermediaries. -
Whether an intermediary is economically necessary, will in any
individual case be decided by us.

Any act in direct evasion of the provisions of articles 1 to 3, or aiming at their evasion, are forbidden.

Any person contravening through neglect or on purpose, the provisions of articles 1, 2 and 4 or the regulations and decisions issued for the implementation of the provisions in Art. 3, will be liable to fines and imprisonment whose maximum amounts or terms are not fixed, or to either of those punishments.

This decree becomes effective upon promulgation.

With respect to goods and services not referred to in this decree the provisions of the Decree against the raising of prices of 15 May 1934 (S.G.S.I. I, page 349), in conjunction with the Second Ordinance against the Raising of Prices of 7 August 1934 (S.G.S.I. I, page 771), remain in force.

Berlin, 12 November 1964.

The Reich Commissioner for Price Control
Dr. Goerdeler

1. I, James B. B. B. B., hereby certify that I am a duly appointed
Translator for the German and English languages and that the above
is a true and correct translation of the document- Wt. R. No. 33.

A. 234117
100 30 115

REICHSGESETZBLATT

Part I

1934	Issued at Berlin, 7 December 1934	No. 133
Date	Subject	Page
4 December 1934	Law on the Extension of the Powers of the Reich Commissioner for Price Control . . .	1201

Law on the Extension of the Powers of the Reich
Commissioner for Price Control.
Of 4 December 1934.

The Reich Government has enacted the following law, which
is hereby promulgated:

The tasks and powers assigned to the Reich Commissioner by
the Law of 8 November 1934 on the Appointment of a Reich Commis-
sioner for Price Control (RGBl. I, page 1085) are hereby extended
so as to include all manner of goods and services. The legal
provisions governing the control and structure of the wages and
salary scales, in particular, the provisions of the Law con-
cerning the regulation of national labor, remain unaffected.

Berlin, 4 December 1934.

The Fuehrer and Reich Chancellor
Adolf Hitler

The Reich Minister of the Interior
Frick

The Acting Reich Minister of Economics
Hjalmar Schacht
President of the Reichsbank Directorate
also acting for the Reich Minister for Food and
Agriculture.

.....

VERORDNUNG DER REICHSGESAMTREGIERUNG

I, the Reich Minister of Economics, hereby certify that the following is a true and correct translation of the original German text of the above
is a true and correct translation of document No. 39.

Washington, 1 December 1934

W. H. H. H.
NO. 39

REICHSGESETZBLATT

Part I

1934	Issued at Berlin, 10 December 1934	No. 133
Date	Subject	Page
1 December 1934	Law Controlling the Distribution of Profits by Companies (Loan Stock Law)	1222

Law
Controlling the Distribution of Profits by
Companies (Loan Stock Law), of 4 December 1934

The Reich Government has enacted the following law which is hereby promulgated:

Article 1

Companies (Article 3) shall establish a Loan Stock (Article 4) out of the net profit available to their stockholders, in accordance with the following provisions:

Article 2

Companies as defined in this law comprises corporation, incorporated partnerships of mixed liability companies, colonial companies, mining enterprises and other legal entities in public and private law, which engage in activities for profits and the members of which can transfer to third parties their shares in the property of the legal entities, with the exception, however, of registered cooperative societies, mutual insurance associations and other associations endowed with legal personality.

Article 3

The distributed profit for a fiscal year in cash shall not exceed six percent of the paid-in capital. Where in the preceding year the distributed profits were more than six percent, the profit (in the current year) may be distributed up to the same percentage as in the preceding year, but the distribution in cash in this case shall not exceed eight per cent.

.....

Article 4

(1) That part of the net profit available to the stockholders but which is not distributed in cash shall be remitted by the company to the German Golddiskontbank, in Berlin, immediately after the dividend declaration. The Bank shall immediately invest the remitted sum in bonds of the Reich (Loan Stock) for the stockholders and administer the Loan Stock as trustee for the stockholders. The portions of net profit remitted to the Bank, and the Loan Stock shall not be subject to attachment; neither the company nor the stockholders may transfer the same.

(2) Reich securities include securities the interest of which is guaranteed by the Reich Government or where the Reich remits to the issuer of the obligations the amounts necessary to service the obligations in case of a delay on the part of the obligated party.

.....

Article 5

Where securities held by the Loan Stock are redeemed or called, the amounts of repayment shall be immediately reinvested in the Loan Stock by the German Golddiskontbank. The same applies to their interest income of the Loan Stock.

.....

Article 7

(1) The stockholders are required to refund dividends paid to them in cash contrary to the provisions of this law.

(2) The legal representative of a company acting contrary to the requirements incumbent upon them under this law shall be liable to the company for any damages arising therefrom.

Article 8

1222

1223

No claims can be made on the strength of a contract guaranteeing payment of dividends at a specified rate where in lieu of distribution in cash the profit is remitted to the German Golddiskontbank in accordance with Article 4.

Article 9

(1) The legal representatives of companies violating the provisions of Article 3 and 4 shall be punished by fine or imprisonment or both.

(2) Penal proceedings shall be instituted only upon motion by the Reich Minister of Economic Affairs.

.....

Article 11

that

The law shall be applicable to the first fiscal year/18 determined by the competent corporate authority following the effective date of this law, and to the succeeding five fiscal years, each comprising a period of time of at least twelve months. Insofar as this law is applicable, the law Establishing a Loan Fund by Companies of March 29, 1934 (RGBl. I, 295) shall not be applicable.

Berlin, 4 December 1934.

The Fuehrer and Reich Chancellor
Adolf Hitler

The Acting Reich Minister for Economics
Hjalmar Schacht
President of the Reichbank Directorate

The Reich Minister of Finance
Graf Schwerin von Krosigk

The Reich Minister of Justice
Dr. Guertner.

.....

REICHSGESETZBLATT

Part I

1934 Issued at Berlin, 19 December 1934 No. 135
Date Subject Page

11 December 1934 Ordinance on Price Control 135

Ordinance on Price Control
Of 11 December 1934 *)

Pursuant to "....." it is hereby decreed:

I. Extension and Revocation of former
Decrees

Article 1

The provision limiting the sphere of applicability of the
decree on price agreements liable to lead to an increase in the
cost of living, to goods of prime necessity in daily use and to
services of prime necessity for the satisfaction of daily needs,
is hereby repealed. The decree applies to all goods and services.

135

VI. Final Provisions

Article 2

This decree becomes effective on the day it is promulgated.

Berlin, 11 December 1934.

The Reich Commissioner for Price Control
Dr. Gerdeler

*) Published in the Deutsche Reichs- und Preussische Staats-
anzeiger No. 291, of 13 December 1934.

I,
I, hereby certify that I am duly appointed
Translator for the German and English languages and that the above
is a true and correct translation of document R.R. No. 41.

Nuremberg, 2 February 1942

.....
No. 0 116

REICHSGESETZBLATT

Part I

1934	Issued at Berlin, 29 December 1934	No. 137
Date	Subject	Page
21 December 1934	Decree on Competition	1230

Decree on Competition
Of 21 December 1934 *)

Prices which are in accordance with the purchasing power of the people will, if supply of goods and services is adequate, develop most safely and reliably on the basis of sound competition, but which must never impair the nutrition of the people from the native soil. Besides, in those cases when the places of production, and the trade, are not working at full capacity, competition may bring on the danger that for competition's sake prices are asked from which taxes and wages cannot be paid nor the creditors satisfied.

In order to create the foundations for a price based on service and a sense of responsibility and to secure with it the economically best price possible, it is hereby

decreed:

Article 1

Any person who, through unfair use of his credit or through maliciously shirking his duties towards the state, the personnel of his enterprise, or his creditors, offers for sale in a way that is harmful to the common wealth, goods or services at prices which are below his own cost and are contrary to the laws of economy, is liable to fines and to imprisonment of unlimited amount or time or to any of these penalties. Prosecution proceedings will only be resorted to if the debtor has suspended his payments or if bankruptcy proceedings on his estate have been opened.

(2) The legal provisions on unfair competition and the

*) Published in the Deutsche Reichsanzeiger und Preussische Staatsanzeiger No. 209 of 22 December 1934.

penal provisions of the bankruptcy regulations remain unaffected.

Article 3

This decree becomes effective on the day of its promulgation.

Berlin, 21 December 1934.

The Reich Commissioner for Price Control
Dr. Goerdeler.

I, [illegible], No 20 III, hereby certify that I have duly appointed [illegible] for the purpose of [illegible] and that the [illegible] has been [illegible] to the [illegible] of [illegible] at [illegible].

Munich, 1 January 1935

[illegible]
No 20 III

REICHSGESAMTVERORDNUNG

Part 1

1935 Published in Berlin, 18 January 1935 0.2

Date Ordinance Page

8 January 1935 Ordinance concerning administrative fines
for infractions of the regulations on price
tags and established prices 10

.....

Ordinance concerning administrative fines for infractions of regulations
on price tags and established prices.

Of 8 January 1935 *)

.....

Part 1

If infractions of the regulations or directives of the Reich Commissioner for Price Control concerning price tags and price lists, as well as the exceeding of prices, profit margins or additional charges as laid down by the Reich Commissioner for Price Control occur, the competent price control office can find the enterprises which committed the infraction, and the guilty person can be administered a fine of 1000 Reichsmarks for each infraction, even though regulations or directives do not provide for this.

.....

Part 3

This ordinance becomes effective on the day of its promulgation.

Berlin, 8 January 1935.

The Reich Commissioner for

Price Control

Dr. Goerdeler

.....

CERTIFICATE OF TRANSLATION.

I, Jack Winkler, No. D 230 019, hereby certify that I am duly appointed translator for the German and English languages and that the above is a true and correct translation of the Document No. 43.

Nuremberg, 9 February 1948.

Jack Winkler, No. D 230 019.

REICHSGESETZBLATT

Part I

1935	Issued at Berlin, 25 January 1935	No. 5
Page	Subject	Page
24 January 1935	Law Relating to Interest Reduction by Banking Institutions	45

.....

Law Relating to Interest Reduction by
Banking Institutions of 24 January 1935.

The Reich Government has enacted the following law which is
hereby promulgated:

Article 1

(1) Banking institutions offering a change in legal relation-
ships under Article 2 to the holders of their bonds bearing interest
at the rate of 6 per cent or more, shall be authorized to issue a
public tender to this effect. The tender shall be considered accept-
ed by the holder unless declined by him within a time limit of ten
days.

.....

Article 2

The tender shall provide for a reduction in the rate of interest
to 4½ per cent per annum to become effective as of 1 April 1935,
and for a non-recurrent reimbursement of 2 per cent of the nominal
amount of the bond to be paid in cash to the holder of the bond with
the next coupon falling due after 31 March 1935.

Article 3

The tender shall be made within a period of five days after
the effective date of this law by publication in the Reichsanzeiger.
This period (Art. 1) shall begin on the day following the day of pu-
blication.

Article 4

The members of the executive body of the banking institutions
concerned shall be authorized to make the tender; the cooperation of
other bodies is not required, notwithstanding contrary provisions of
law or by-laws.

.....

- page 15 of original cont'd -

Berlin, 20 January 1935

57

The Fuehrer and Reich Chancellor
Adolf Hitler

The Acting Reich Minister for Economics
Hjalmer Schacht

President the Reichsbank Directorate

The Reich Minister of Finance
Graf Schwerin von Krosigk

The Reich Minister of Justice
Dr. Guertner

The Reich Minister for Food and Agriculture
H. Walther Duerre

.....

REICH GOVERNMENT OF THE FOUR YEAR PLAN

1935

1935 Published in Berlin, 28 October 1935 No. 105

Date Content Page
28 October 1935 Law for the execution of the Four Year Plan -
Appointment of Reich Commissioner for Price
Control - 927

Law for the execution of the Four Year Plan
- Appointment of Reich Commissioner for Price Control -
of 28 October 1935.

The Reich Government has issued, under the following law for the execution of the Four Year Plan in the field of price control, which is published herewith:

Para. 1

(1) For the supervision of price control for goods and products of all kinds, especially for all requirements of daily life, for the entire particularly for the industrial products and for the trade with goods and merchandise of all types as well as for other purposes, Reich Commissioner will be appointed.

(2) The Reich Commissioner will supervise the revision and formulation of prices and salaries, especially the conditions of the law concerning the revision of National Labor Law remain unaffected.

(3) The Reich Commissioner will be appointed by the President and Reich Chancellor. He is subordinate to the Reich President for the Four Year Plan, German Minister President General Secretary. The office of the Reich Commissioner is in Berlin.

Para. 2

(1) The Reich Commissioner is authorized to take all measures necessary to insure a price and salary policy justified by the public economy.

(2) The Reich Commissioner for price control will administer the duties and powers which have been assigned to the Supreme Reich Authorities concerning the approval, establishment, supervision or creation of prices and remunerations.

....

- 2 -

Para. 1

(1) Violations of decrees which have been issued by virtue of this law may be punished by penitentiary, imprisonment, confinement or fines, the latter in unrestricted amounts, or by one or more of these punishments. Furthermore, the confiscation of all objects concerned by the punishable act as well as the public announcement of the sentence may be provided for. Cases can be brought before the Special Courts created by virtue of the Decree of the Reich Government dated 1 March 1935 (Reich Law Gazette I, page 135) because of such violations.

(2) The Reich Commissioner can threaten and impose fines in unlimited amounts.

(3) In cases of violations of law decrees and measures, he is empowered to order the closing of enterprises in which the violations took place, or to order the continuation of the business subject to certain stipulations. He may also forbid any kind of activity of individual persons in the field in which the violations took place or make it subject to certain stipulations.

Para. 2

The administrative authorities and courts have to give official and legal support to the Reich Commissioner.

Para. 3

(1) The directives issued by virtue of this law are binding for the administrative authorities and courts.

(2) For damages caused by a directive or measure taken by virtue of this law, restitution will not be granted.

Berlin, 29 October 1935.

The Fuehrer and Reich Chancellor
Adolf Hitler

The Vice-Chancellor for the Four Year Plan
Goebbels

Prussian Minister President, General

Heinrich Brüning, Minister of Economics
Dr. Wilhelm Schacht

President of the Directorate of the
Reichsbank

The Reich Minister of Justice
Dr. Guertner

The Reich Minister for Food and Agriculture
H. Heide, Deputy

.....

Document No. 45
Exh. No.

CERTIFICATE OF TRANSLATION.

I, Jack Markheim, AGO D 230 019, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt. E. No. 45.

Dresden, 9 February 1946.

Jack Markheim
AGO D 230 019

REICHSGESETZBLATT

Part I

1936	Issued at Berlin, 1 December 1936	No. 110
Date	Subject	Page
36 November 1936	Decree concerning the Prohibition of Price Increases	955

Decree concerning the Prohibition
of Price Increases
Of 26 November 1936.

Pursuant to the Law on the Execution of the Four-Year Plan - Appointment of a Reich Commissioner for Price Control - of 29 October 1936 (RGBl., I, page 927) and on the suggestion of the Reich Commissioner for Price Control, the following is decreed:

Article 1

(1) Price increases for goods and services of any kind, especially for all needs of every-day life, for all agricultural and industrial products and for the exchange of goods and commodities of all kind as well as for other compensations are prohibited. The prohibition is retroactive as of 18 October 1936; contracts already fulfilled by both partners are not affected by the retroaction.

(2) Changes of payment and delivery terms are also considered a price increase if they are to the disadvantage of the customer.

Article 2

Actions, evading directly or indirectly the provisions of Article 1 or intended to evade them, are prohibited.

Article 3

As far as exceptions seem to be absolutely necessary, for political-economical reasons or to avoid special hardship, the Reich Commissioner for Price Control or agencies delegated by him may permit or order exceptions.

955
956

Article 4

(1) Whoever violates deliberately or negligently the provisions of this decree or the regulations issued for their implementation will be punished by imprisonment and fine, the latter in an unlimited amount, or by one of these penalties

The confiscation of the obtained compensation and of the objects involved in the violation as well as the publication of the sentence can be ordered.

(3) The criminal prosecution will take place only by request.

(3) The provisions of Articles 14, 15, 16 (with the exception of para. 2, sentence 2) and Article 17 of the Decree concerning the Price Control of 11 December 1934 (RGBl., I, page 1245) will be applied accordingly; however, the disciplinary fine provided in Article 15 of the Decree of 11 December 1934 may be imposed in an unlimited amount. The last decision on appeals against disciplinary fines rests with the Reich Commissioner for Price Control or the agencies designated by him.

Article 5

In case of violations of the provisions of this Decree, the temporary or permanent closing of plants in which the violations have been committed, can be ordered or the continued operation of the plant may be made dependant upon conditions. Furthermore, can the individual guilty person be excluded from any activity in the field in which the violation occurred or the further activity may be made dependant upon conditions.

Article 6

This decree takes effect on the day of its promulgation.

Berlin, 25 November 1936.

The Plenipotentiary for the Four-Year Plan
G e r i n g
Minister President.

.....

CERTIFICATE OF TRANSLATION

I, Fred L a x , X 046 207, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt.R. No. 46.

Nuremberg, 9 February 1948.

Fred L a x
X 046 207.

REICHSGESETZBLATT

Part I

1936 Published in Berlin, 21 November 1936 No. 191

Date Content Page

15 November 1936 Decree concerning price control based upon the net cost of services for public consumers 1523

Decree concerning price control based upon the net cost of services for public consumers.

Of 15 November 1936.

Based upon para. 2 of the Law for the execution of the Four Year Plan - appointment of a Reich Commissioner for Price Control - of 29 October 1935 (Reich Law Gazette I, page 537), the following is decreed in agreement with the plenipotentiary for the Four Year Plan:

Para. 1

The attached directives (L20) are the basis for the fixing of prices based upon the net cost of services for public consumers (para 1824). They are binding for public consumers and their contractors.

Para. 2

It is forbidden to admit any acts which directly or indirectly serve the purpose of violating the directives of this decree (including the L20) or the directives issued for the execution of this decree.

Para. 3

The principles of the National Socialist German Workers Party, its branches and affiliated organizations are extended upon the above regulations. Special directives will be issued for this.

Para. 4

The Reich Commissioner for Price Control issues legal and administrative directives necessary for the execution and interpretation of this decree, particularly the necessary penal provisions.

Para. 5

- (1) This decree becomes effective on the day of its publication.
- (2) Provisions for the application of this decree to Austria and the Sudeten German territories will be made at a later date.

Berlin, 15 November 1936.

The Reich Commissioner for Price
Control (signed) Lerner

Enclosure
(to Art. 1 of the above decree).

D i r e c t i v e s
for the Price Control based upon the net Cost of
Services for public Consignors (LSCo).
Of 15 November 1938.

I n d e x

I. Introduction	Number 1 to 7
II. Cost Price Calculation	" 8 " 56
A. Raw Material	" 10 " 17
B. Manufacturing Cost	" 18 " 21
C. General Cost (Expenditures)	" "
C a) General Manufacturing Cost	" 22 " 33
C b) Administration and Selling (General) Expenses	" "
D. Special Expenses to be listed se- parately	" 34 " 43
E. Calculated Profit	" 50 " 53

Preliminary Remarks.

No. 1
Field of application of these directives

(1) Guide regulates price control based upon cost prices of
services for public consignors.

No. 2
Cost Price Examination.

With the approval of the Reich Commissioner for Price Con-
trol, the customer is entitled to investigate the fairness of
cost prices by examining the calculation files, balance calcu-
lation and balance accounts of the contractor, in accordance
with this guide.

No. 5
Change of
Accounting

It is recommended that the contractor carries out changes or new methods of accounting, which concern the builder to a considerable extent, in agreement with the builder. Under certain circumstances, the builder may request changes in the accounting system within a fair period of time and upon approval by the Reich Commissioner for Price Control.

No. 6
Duty of the Contractor to
Give Information.

(1) Upon a request of the Reich Commissioner for Price Control, the builder is entitled to demand from the bidder or contractor without charge all files, documents and information necessary for the examination of cost prices; he may, furthermore, demand copies or extracts from the files and may inspect the plants at all times.

(2) In addition to the contractor himself, the (plant management) all other persons working for or employed by the contractor in his plant or office, working in connection with the work given by public contract, may be called upon for information.

.....

CERTIFICATE OF TRANSLATION.

I, Jack Markheim, AGO D 230 019, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt. 3. No. 47.

Dresden, 9 February 1943.

Jack Markheim
AGO D 230 019.

REICHSGESETZBLATT

Part I

1940	Issued at Berlin, 10 June 1940	No. 102
Date	Subject	Page
22 May 1940	Decree concerning Price Control based upon the net cost of construction services for Public Consignors	950

Decree concerning Price Control based upon the net cost of construction services for Public Consignors.
Of 22 May 1940

Pursuant to Article 2 of the Law for the Execution of the Four-Year Plan - Appointment of a Reich Commissioner for Price Control - of 29 October 1936 (RGBl. I, page 927), the following is decreed in agreement with the Plenipotentiary for the Four-Year Plan:

Article 1

The enclosed directives (L830a) are the basis for the price control based upon the net cost of construction services for public consignors (contractors). They are binding for all firms and contractors.

Article 2

The agencies of the National Socialist German Workers' Party, its branches and affiliated organizations are exempted from the above regulations. Special directives will be issued for them.

Article 3

The Reich Commissioner for Price Control or his agencies authorized by him may allow or approve exceptions to this ordinance or the provisions of the directive, in cases public economy warrants such exceptions, or in order to alleviate undue hardships.

Article 4

The Reich Commissioner for Price Control issues legal and administrative directives necessary for the execution and supplementation of this ordinance.

Article 5

one

This decree takes effect/week after it has been promulgated.

Berlin, 23 May 1940.

The Reich Commissioner for Price Control
Fegner

831

Enclosure
(Re Art. 1 of the
above decree)

G d i d e
for the Price Calculation Based upon Cost Prices of Con-
struction work for public consignors.
(LS30a).
Of 15 May 1940.

I n d e x

I. Preliminary remarks	Number 1 to 8
II. Getting of Contracts Based upon Cost Prices	" 9 " 44
A. Construction expenses (wages),	" 11 " 15
B. Material	" 16 " 22
C. Expenses of Equipment	" 23 " 26
D. Freight- and Travel Expenses	" 27
E. Other Construction Charges	" 28 " 29
F. General Expenditures: General Business Expenses	" 30 " 32
Depreciation of Equipment	" 33 " 37
G. Special Expenses	" 38 " 42
H. Profit	" 43 " 44
III. Letting to stabilize Cost Prices	" 45 " 71
A. Construction Administration Ex- penses	" 47 " 49
B. Material	" 50 " 55
C. Cost of Equipment	" 57
D. General Expenditures	" 58 " 64
E. Special Expenses	" 65 " 70
F. Profit	" 71

I. Preliminary Remarks.

No. 1
Sphere of Application
of these directives.

1) The directives (LS30a) regulate the finding of prices based upon the cost prices in the field of construction (con-struction work with or without delivery of construction material and construction parts) for public consignors (contractors).

(2) These directives apply *mutatis mutandis* for indirect construction activities (sub-contractors), however, not for independent deliveries of materials and construction parts.

(3) The builder is entitled to request from the contractor the names of his sub-contractors and to apply these in accordance with the regulations of the LSCOs.

(4) When requesting a statement of estimate it must be stated that the contract is being given on the basis of the LSCOs.

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No. 3 Examination of Cost Price.

With the approval of the Reich Commissioner for Price Control or the agencies appointed by him, the builder is entitled to investigate the fairness of cost prices based upon the calculation files, *Rechnungsabgrenzungen* and balance accounts of the contractor, in accordance with the directives. The investigation has to be carried out before a price is agreed upon if the order is to be placed at cost price; in case the order is given based upon cost price the investigation should be carried out as soon as possible but not later than one year after the final statement has been submitted.

No. 4 Organization of Account System.

(1) The contractor is required to maintain a properly organized and correct account system. It has to show at any time expenses and profits beyond any doubt and must allow a clear investigation of cost prices.

No. 5 Change of Account System.

It is recommended that the contractor carries out changes or new methods of accounting, which concern the builder to a considerable extent, in agreement with the builder. Under certain circumstances, the builder may request changes in the accounting system within a fair period of time and upon approval by the Reich Commissioner for Price Control.

No. 6 Duty of the Contractor to Give Information.

(1) Upon approval of the Reich Commissioner for Price Control, the builder is entitled to demand from the contractor without charge all files and documents and information necessary for the examination of cost prices; he may, furthermore, demand copies or excerpts from the files, and may inspect the plans at all times.

() In addition to the contractor himself (Plant Management),
all other persons working for or employed by the contractor, who
work in connection with the work done by the public consignors
may be called upon for information.

.....

CERTIFICATE OF TRANSLATION.

I, Jack Merkheim, AGO B 230 019, hereby certify that I am a
daily appointed translator for the German and English languages
and that the above is a true and correct translation of the do-
cument W.R. No. 48.

Dresden, 2 February 1946.

Jack Merkheim
AGO B 230 019

REICHSGESETZBLATT

Part I

1941 Issued at Berlin, 21 June 1941 No. 67

Date	Subject	Page
12 June 1941	Decree on Limitation of the Distribution of Dividends	323

Decree on Limitation of the Distribution of Dividends
of 12 June 1941

The Ministerial Council for Reich Defense decrees with the
effect of law:

SECTION I

Limit on the Distribution of Dividends

Article 1

Limit of Dividend Rate

(1) For the duration of the war, companies (Art. 6) may not
distribute profits in excess of the following percentages of paid-
in capital:

- a) Companies paying dividends in the last fiscal year of less
than six per cent are limited to this per cent.
- b) Companies paying dividends in the last fiscal year in excess
of six per cent are limited to dividend declarations not greater
than this amount.

.

Article 2

Limit of Disbursements

(1) For the duration of the war, companies may disburse the
declared profits only to that amount which is not in excess of the
following percentages of paid-in capital:

- a) Companies paying dividends in the last fiscal year of less than six per cent are limited to this per cent;
- b) Companies paying dividends in the last fiscal year in excess of six per cent are limited to the amount of the last paid dividend, but in no case to exceed eight per cent.

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Article 3

Dividend Tax

(1) For the duration of the war, companies declaring a dividend above six per cent of the paid-in capital, shall be obliged to pay an additional tax to the government (dividend tax).

.....

Article 4

Rate of Dividend Tax

(1) The dividend tax is based on the declaration of excess dividends. Any dividend declaration in excess of six per cent of the paid-in capital is a declaration of excess dividends.

- (2) The dividend tax will be levied:
In the case of a dividend declaration of:

up to 7 1/2 %	50 % of the amount above 6 %
" " 8 1/2 %	100 % " " " "
" " 9 1/2 %	250 % " " " "
" " 10 1/2 %	350 % " " " "
" " 11 1/2 %	350 % " " " "
" " and above 12 1/2 %	600 % of the amount above 8 1/2 %

Article 5

Collection of Dividend Tax

(1) The period for the collection of the dividend tax shall be the calendar year. The first tax shall be payable during the calendar year of 1941.

.....

Article 6

Companies (Kapitalgesellschaften)

(1) Companies as defined in this decree comprise corporations (Aktiengesellschaften), incorporated partnerships of mixed liability (Kommanditgesellschaften o/A), limited liability companies (Gesellschaften m.b.H.), colonial companies (Kolonialgesellschaften), and mining enterprises (Bergrechtliche Gewerkschaften).

.....

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Article 16

Effective Date

This Decree shall become effective on the day of its promulgation. It shall also apply to the Incorporated Eastern Territories. Simultaneously the provisions of the Law Limiting the Distribution of Profits by Companies (Lohn Stock Law) of 4 December 1936 (RGBl. I, 1234) as amended 9 December 1937 (RGBl. I, 1300) as well as the regulations issued thereunder shall be repealed in so far as they do not refer to the dissolution and distribution of the loan stock.

Berlin, 12 June 1941.

The Chairman of the Ministerial Council for Reich
Defense
G e o r g
Reichsmarschall

The Plenipotentiary General for Economy
Walter Funk

The Plenipotentiary General for Reich Administration
F r i c k

The Reich Minister and Chief of the Reich Chancellery
Dr. Lohmeier

.....

IV. Series of Documents, relating to

THE LAWS ON FOREIGN EXCHANGE
IN THE THIRD REICH.

REICHSGESETZBLATT

Part I

1935	Issued at Berlin, 8 February 1935	No. 10
Date	Subject	Page
4 February 1935	Promulgation of the Law Relating to the Control of Foreign Exchange and of the Executive Decree to this Law	105
4 February 1935	Decree on the Control of Foreign Exchange (Directives for the Control of Foreign Exchange)	119

Promulgation of the Law Relating to the Control of Foreign Exchange and of the Executive Decree to this Law of 4 February 1935.

Pursuant to Article II of the Law on the Amendment of the Decree on the Control of Foreign Control, of 16 February 1934 (RGBl. I, page 92), the following are published henceforth as the laws on the control of foreign exchange and its executive decrees:

Decree on the Control of Foreign Exchange, of 23 May 1933 (RGBl. I, page 231),

Executive Decree to the Decree on Control of Foreign Exchange of 23 May 1933 (RGBl. I, page 238),

Fourth Executive Decree to the Decree on the Control of Foreign Exchange, of 8 May 1933 (RGBl. I, page 278),

Article 6 of the Law Relating to Liabilities Toward Foreign Countries, of 9 June 1933 (RGBl. I, page 340),

Fifth Executive Decree to the Decree on the Control of Foreign Exchange, of 20 July 1933 (RGBl. I, page 531),

Sixth Executive Decree to the Decree on the Control of Foreign Exchange, of 19 September 1933 (RGBl. I, page 678),

Law on the Establishment of a Reich Office for the Control of Foreign Exchange, of 18 December 1933 (RGBl. I, page 1079),

Decree on the Establishment of a Reich Office for the Control of Foreign Exchange, of 19 December 1933 (RGBl. I, page 1088),

Seventh Executive Decree to the Decree on the Control of Foreign Exchange, of 23 December 1933 (RGBl. I, page 1112),

Law on the Amendment of the Decree on the Control of Foreign Exchange, of 16 February 1934 (RGBl. I, page 93),

Eighth Executive Decree to the Decree on the Control of Foreign Exchange, of 17 April 1934 (RGBl. I, page 319),

Ninth Executive Decree to the Decree on the Control of Foreign Exchange, of 15 June 1934 (RGBl. I, page 510),

Decree for the Amendment of the Decree on the Control of Foreign Exchange, of 11 September 1934 (RGBl. I, page 829) and of 29 September 1934 (RGBl. I, page 864).

Section III, Article 27, of the Tax Adjustment Law, of 1 October 1934 (RGBl. I, page 925).

Tenth Executory Decree to the Decree on the Control of Foreign Exchange, of 22 December 1934 (RGBl. I, page 1290).

Berlin, 6 February 1935.

The Acting Reich Minister
Hjalmar Schacht
President of the Reichsbank Board of Directors.

Law on the Control of Foreign Exchange
of 4 February 1935

Section 1

Authorities Dealing with Foreign Exchange: Definitions

Article 1

(1) The duties and authority of the Reich Minister of Economic Affairs in the field of control of foreign exchange will be exercised by a Reich Board for Control of Foreign Exchange (Reichsstelle fuer Devisenbewirtschaftung).

.....

.....

.....

Article 2

(1) Exercising control over foreign exchange is the duty of the Board for Control of Foreign Exchange (Devisenstellen). The State Bureaus of Internal Revenue (Landesfinanzämter) constitute Boards for Control of Foreign Exchange (Devisenstellen).

(2) The Boards for Control of Foreign Exchange (Devisenstellen) take measures and make decisions in accordance with directives established by the Reich Board for Control of Foreign Exchange in concurrence with the Reich Minister of Economic Affairs, the Reich Minister of Finance, and the Reich Minister for Food and Agriculture. These directives may provide for exemptions from the provisions of this law, and the Boards for Control of Foreign Exchange may be authorized to grant such exemptions.

.....

Article 3

In so far as the functions of control of foreign exchange deal with trade in commodities, offices of supervision (Überwachungsstellen) will also be competent in accordance with more detailed instructions of the Reich Board for Control of

Foreign Exchange. These offices of supervision (Ueberwachungstellen) will function on the basis of the Decree Relating to Commodity Exchange (Verordnung ueber den Warenverkehr), of 4 September 1934 (Reich Legal Gazette I, page 816), and the regulations issued for its implementation. Paragraph 2, clause 3, applies correspondingly.

Article 4

(1) The execution of agreements arrived at between groups of foreign creditors and German debtors with assent of the Reichsbank, and dealing with existing obligations between these groups, will be supervised by the Reichsbank or by agencies designated by the Reichsbank.

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Section 3

Transactions Requiring a License

Article 9

(1) Foreign currency and claims in foreign currency may be acquired in exchange for German currency only by license.

(2) Except when transferring assets to the Reichsbank or a Bank for Foreign Exchange, a license is required for disposing of foreign currency, or claims in foreign currency, acquired in ways not listed in clause 1.

Article 10

The acquisition of gold, and the disposal of gold, is subject to license.

Article 11

(1) A German may transfer German currency or gold to a foreigner, or to a German in Germany on behalf of a foreigner, only with a license.

(2) Claims in Reichsmark or Goldmark for the benefit of a foreigner, may be disposed of by license only.

Article 13

Amounts in Reichsmark, resulting from cash deposits,

remittances or other compensation made by a German, may be credited to a foreigner's account at a German credit institute only with a license. Postal Check Offices (Postcheckcenter) are considered credit institutes within the purview of this stipulation.

*Article 13

(1) Currency securities, gold and precious metals may be shipped or transported abroad, or from Germany into the Baden customs exclaves, by license only.

(2) Offenses against the provisions of clause 1 are considered as violation of embargo (Sammbruch) within the meaning of the Custom Union Law (Verainszollgesetz), even if the offense was committed through negligence.

(3) Species, gold and precious metals may not be transported abroad, or from Germany into the Baden customs exclaves, in postal shipments of any kind whatsoever.

(4) Without affecting the provisions of clause 1, clause 3 does not apply in the case of

1. sealed mail with declared value;
2. registered mail, sealed ready for shipment with the official seal of a customs office, after official customs inspection;
3. registered mail from Banks for Foreign Exchange.

Article 14

- (1) Credit to foreigners may be granted by license only.
- (2) The giving of security, especially of mortgages and liens on land, to a foreign creditor is considered the equivalent of granting him credit.
- (3) The granting of a claim for delivery or acceptance of securities or goods in exchange for premium payment (advance premium or back premium, or a combination of both, and similar stock exchange transactions) is considered the equivalent of granting of credit.

Article 15

A license is required for disposing of a Reichsmark or Goldmark claim which arose for the account of a foreigner, before 16 July 1931. The same applies to Reichsmark or Goldmark claims of an emigrant which arose before his emigration.

Article 16

A license is required before disposing of a Reichsmark or Goldmark claim against a German credit institute which arose, for the account of a foreigner,

- a) through a foreigner's depositing of German currency within Germany;
- b) through the selling of Reichsmark banknotes or German specie from abroad.

Postal Check Offices (Postcheckamter) are considered credit institutes within the meaning of this stipulation.

Article 17

- (1) A license is required before disposing, on behalf of a foreigner, of a Reichsmark or Goldmark claim resulting from the sale of German investments, especially real estate, or of articles forming part of an estate.
- (2) The same applies to monies accruing to a foreigner through legacy.

Article 18

(1) A license is required before disposing of Reichsmark or Goldmark claims which arose, to the credit of a foreigner, after 3 August 1931, provided that the Board for Control of Foreign Exchange (Devisenstelle) or the Reichsbank had reserved the right of granting such a license when the claim arose (blocked account) (Sperrguthaben).

(2) If a license is required before disposing of resources, and real

estate has been acquired with such resources, then a license is also required before disposing of the real estate, provided that the Board for Control of Foreign Exchange (Devisenstelle) or the Reichsbank has reserved the right to issue such a license when granting assent for the first time.

(3) Restrictions on disposal listed in clauses 1 and 2 are not to be entered into the Register of Deeds (Grundbuch). If such entry has already been effected, no change need be made.

Article 19

(1) A license is required for disposing of claims of a foreigner which are subject to Article 1 of the Law Concerning Financial Obligations Abroad (Gesetz über Zahlungsverbindlichkeiten gegenüber dem Ausland) of 9 June 1933 (Reich Legal Gazette I, page 349).

(3) Cashing of interest coupons and profit-sharing certificates on behalf of a foreigner requires a license.

Article 20

(1) A license is required for disposing of Reichsmark or Goldmark claims which have arisen in favor of a foreigner through the sale of securities or because securities have reached their maturity.

(2) Reichsschuldverschreibungen (officially registered claims on the Reich Government) are considered as securities for the purposes of clause 1.

Article 21

(1) A license is required for the purchase of foreign securities not admitted to a German stock exchange. Disposing of such securities requires a license unless they are being sold to the Reichsbank or a Bank for Foreign Exchange.

(3) A native German may purchase foreign securities, listed at a German stock exchange, from a foreigner, by license only. This also applies if several persons, some of whom are foreigners and some of whom are Germans, purchase such securities for joint account (rete, consortial, and similar transactions).

(3) The following securities are considered the equivalent of securities admitted to a German stock exchange: securities that are comprised in the sphere of activity of the "Committee of the Standing Commission for Trading in Unregistered Securities, of the Trade Organization of Private Banking - Central Association of German Banks and Bankers."

Article 22

(1) A license is required for purchasing German securities payable exclusively or optionally in foreign currency and not admitted to a German stock exchange. Disposing of such securities requires a license unless they are being sold to the Reichsbank or a Foreign Exchange Bank.

(2) A license is required before purchasing from a foreigner German

securities payable in Reichsmark or Goldmark, if such securities were destined exclusively for sale and trade abroad. The Reich Board for Control of Foreign Exchange (Reichsstelle fuer Devisenbewirtschaftung) determines with binding effect by publication in the German Reich Gazette (Deutscher Reichsanzeiger) to which securities the provisions of the preceding sentence apply. The same applies correspondingly to Article 31, clause 2, second sentence.

Article 23

A license is required for purchasing non-interest bearing certificates of indebtedness (Schuldscheine) (scrips) and interest-bearing debentures (Schuldverschreibungen) (Fundierungsbonds) issued by the Conversion Bank for German Foreign Debts (Konversionsbank fuer deutsche Auslandsschulden) on the basis of its statutes, and of credit accounts established with that Conversion Bank. A license is required for disposing of such certificates of indebtedness, debentures, and credit accounts.

Article 24

A license is required for purchasing shares (Anteilrechte) in foreign companies or corporations. A license is required for disposing of shares in companies or corporations in favor of foreigners. Pertinent valid provisions remain in force in so far as shares (Anteilrechte) in companies or corporations are embodied in securities.

Article 25

(1) A native German not being a Bank for Foreign Exchange may purchase securities from a foreigner, or sell them in Germany for the account of a foreigner only after having obtained a license. No permit is required for acquiring securities if the acquisition is negotiated by a Bank for Foreign Exchange acting as commissioner.

(2) A license is required for the granting of a right of mortgage (Pfandrecht) or a security obligation (Sicherungsgehalt) on securities to a German by a foreigner.

(3) The more exhaustive provisions of Articles 21 to 23 remain unaffected.

(4) A native German may accept securities as payment from a foreigner only after having obtained a license.

(5) As to the stipulations of clauses 1, 3, and 4, Reichsschuldbuchforderungen (officially registered claims on the Reich Government) are considered as securities.

Article 26

(1) The depositing of securities by a German into the deposit account maintained by a foreigner with a securities broker, requires a license.

(2) A license is required before a German may authorize the delivery abroad, or the transfer to another deposit account abroad, of securities now maintained in a deposit account abroad for his account or the account of another German.

(3) A broker in securities may deliver securities inside Germany which are in the deposit account of a foreigner, or may transfer such securities to the deposit account of a German, or may include securities mailed or brought from abroad in the deposit account of a German, only after having obtained a license.

(4) The following are considered the equivalent of depositing or transferring securities into a deposit account:

opening the name in which the deposit account is being maintained; transferring a share in a joint deposit account; crediting a share account (Stückkonto).

Article 27

(1) If a person who is not a dealer in securities, or who has been excluded from trading at a stock exchange delivers securities to a dealer in securities in Germany, a license is required to part with or transfer these securities, or to make disbursements connected with the delivery of the securities. No license is required if the Reichsbank has granted a permit (Unbedenklichkeitserklärung) on the basis of a declaration made pursuant to clause 2.

(2) It is mandatory for dealers in securities to report in writing to the Reichsbank or the locally competent Board for the Control of Foreign Exchange (Devisenstelle) within one week, all securities delivered as described in clause 1, listing the serial numbers of the shares and name and address of the person delivering them. They have to ascertain the correctness of the data concerning the person delivering the securities.

(3) Restrictions and obligations pertaining to dealers in securities pursuant to clauses 1 and 2, also apply to persons who have given out bonds issued on the bearer (Inhaberschuldverschreibungen) or shares, both with regard to these bonds or shares and their interest-bearing or profit-sharing coupons.

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Section 3

Other Obligations and Prohibitions

Article 29

(1) Foreign currency and claims in foreign currency may be purchased for German currency only from or through the Reichsbank, and may be sold only to or through it.

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Article 33

Only the official quotations of the Berlin Stock Exchange or equivalent rates (Article 32, paragraph 1) may be published as German exchange rates for foreign exchange.

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Article 35

(1) The Reich Government decrees that certain assets be reported to the Reichsbank within a prescribed time limit, or offered to it at its customary terms and sold or transferred at its request. Article 29, clause 3, first sentence applies accordingly.

(2) In its decrees the Reich Cabinet may arbitrarily designate the circle of persons to whom it applies. Obligations

tions incumbent upon the owner of an object that must be reported or offered are equally incumbent upon anyone owning the object as belonging to him or having authority to dispose of it through a trustee, through a corporation for acquisitions (Erwerbgesellschaft) or through any other means. Anyone who is liable to taxation according to the provisions of the Reich Assessment Ordinance (Reichsabgabenordnung), especially according to Articles 103 et seq., is also liable to taxation resulting from the decree of the Reich Government.

The Reich Cabinet may furthermore designate the assets which this decree affects, by currency, minimum value of the individual property, or by other features deemed appropriate by it.

Article 37

A German who has been informed in writing by a Board for the Control of Foreign Exchange or by a Control Office for Foreign Exchange that no foreign exchange permit can be granted to him for certain types of transactions or from whom a general permit for making payments or for other transactions requiring a permit for certain types of business dealings has been withdrawn, cannot incur any liability for this transaction or for such types of dealing which require a foreign exchange permit for their discharge.

Section 5

Provisions Relating to Penalties and Criminal Proceedings
Article 42

(1) Whoever commits the following deliberate violations is liable to a jail sentence or in specially serious cases to hard labor up to ten years and to a fine amounting to ten times the value of the means of payment, the liabilities, the securities, the gold, or the precious metals involved in the violation:

1. Acquires or sells foreign currency or claims in foreign exchange for German currency in violation of Article 9, paragraphs 1 or 29;
2. Arranges for the acquisition or sale of foreign currency or of claims in foreign exchange for German currency in violation of Article 9, paragraphs 1 or 29;
3. Violates one of the provisions of Article 9, paragraph 2, Articles 10 to 13, Article 15, paragraph 1, Articles 14 to 26, Article 27, paragraphs 1 and 3;
4. Sells or acquires foreign currencies or claims in foreign currency for German currency at a higher price than permitted according to Articles 31 and 32 or arranges such an acquisition;
5. Concludes or arranges for future transactions in foreign currencies or claims in foreign currency or in gold or precious metals for German currency in violation of the provisions of Article 32;
6. Does not abide in time or in a correct manner by an order which was issued by the Reich Government pursuant to Article 35;
7. Makes or uses wrong or incomplete factual statements in order to surreptitiously obtain for himself or somebody else a permit which is required in accordance with this law or an executive decree.

(2) The attempt is punishable.

(3) If one of these violations is committed through negligence, there will be only a fine. If the fine cannot be covered, a jail sentence will be pronounced in its place.

(4) Whoever deliberately suggests, encourages, or offers his assistance in an action which is liable to punishment in accordance with paragraph 1 will also receive the punishment described in paragraph 1.

Article 43

(1) Whoever commits the following violations deliberately or through negligence will be fined:

1. Violates the provisions of Article 13, paragraphs 3 and 4, in so far as there is not a heavier penalty in accordance with Article 42 or with other laws;
2. Publishes notations of foreign exchange which are not permitted to be published in accordance with Article 33;
3. Violates the provisions of Article 27, paragraphs 2 and 3;
4. Violates the provisions of Article 37;
5. Does not give the information asked by the Reich Minister for Economics, the Board for the Control of Foreign Exchange, a Control Office for Foreign Exchange, or the Reichsbank; does not give it within the required time; gives it incompletely or falsely, or does not submit the books or other documents within the required time, or incompletely;
6. Does not comply with the demands of the Control Office for Foreign Exchange or with the obligations toward this office, within the required time or in correct form.

(2) Whoever deliberately makes or uses wrong or incomplete factual statements in order to obtain surreptitiously for himself or another person, a certificate which, according to this law or its executive decrees, is the prerequisite for the release of a foreign exchange permit or the obtaining of which results in other foreign exchange advantages.

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Certificate of Translation

7 November 1945

I, ARNE OLSEN, 2d Lt., AUS, O-2015975, hereby certify that I am thoroughly conversant with the English and German languages, and that the above is a true and correct translation of Document No. E. No. 50,

ARNE OLSEN
2d Lt. AUS

REICHSGESCHETZLISTE

Part I

1533	Issued at Berlin, 13 June 1933	Page 53
Date	Subject	Page
12 June 1933	Law Relating to Treason Against the German Economy	350

The Reich Government has enacted the following law, which is herewith promulgated:

Article 1

Assets Subject to Being Reported (General)

(1) Subject to being reported are:

1. Assets, which on 1 June 1933 were located in foreign countries; had a total value of more than one thousand Reichsmark; were subject to property taxes; but which, before 1 June 1933, were not reported to the Treasury (Finances) by either the taxpayer, or the person responsible for discharging the duties of the taxpayer;
2. Foreign Exchange, which before 1 June 1933 had a value of more than two hundred Reichsmark; and was subject to be tendered, but was not tendered, before 1 June 1933, to the Reichsbank.

(2) Assets, (paragraph 1, figure 1,) which are located in foreign countries, shall be subject to being reported also in those cases when they have been acquired after the last key-date, from funds which had been reported in the last assets statement (as being assets located either in Germany or abroad).

Assets Subject to Being Reported (Particulars).

Article 2

Assets located abroad.

(1) Assets located abroad are:

1. Assets located in foreign countries (agricultural, forestry

- and gardening businesses, plots and business sites); in addition to legal titles to real estate located abroad;
2. Mortgages and other rights which are secured by real estate which is situated abroad, or by legal title to such real estate;
3. Participations in corporations or associations which are neither located or managed in Germany. It makes no difference whether or not the participations are pledged by securities. If the participations are pledged by securities, it makes no difference whether they are held in Germany.
4. Securities concerning claims if the debtor (with regard to checks and drawn drafts the drawee, with own drafts the maker), has neither his domicile, seat or management office in Germany.
5. Other securities located abroad (if not affected by figures 3 and 4).
6. Other claims (if not falling under figures 3, 4 or 5), also claims arising from life, capital and income insurance policies), if the debtor has neither his domicile, seat, or management office in Germany.
7. Participations (also option rights) in family endowments, which are neither located in, or managed from Germany, irrespective of the value of the participation (option rights).
8. Patents or other royalties which have been registered or entered in foreign countries.
9. Payment instruments (German or foreign) located abroad.
10. Precious metals, precious stones and pearls located abroad.
11. Objects made from precious metals, jewels and such luxury items, if held abroad, which are not necessary to furnish the apartment of the person obliged to pay taxes.
12. Works of art and collections located in foreign countries.
13. Business assets, which belong to a factory or a warehouse, located abroad, including those business properties which consist of assets affected by figures 1 through 6, and 8 through 12.

(2) Assets, which on the first of June 1933 had been outside of Germany and were subject to property tax, are defined as such assets under the terms of paragraph 1, which would have to be assessed for property tax, if, according to the status at the beginning of 1 June 1933, an assessment for the property tax were to be imposed. The property tax exemption allowance will not be taken into account.

Article 3

Foreign Exchange

(1) According to this law, foreign exchange is defined as :

1. Foreign payment instruments, without regard whether located in Germany or abroad;
2. Claims against foreign exchange accounts in German credit institutes, as well as claims in foreign currency, provided the debtor does not have his domicile, seat or management office in Germany. Except such claims against insurance or re-insurance premiums, and such other claims arising from insurance and re-insurance contracts which are not yet due.
3. Foreign securities, or German securities payable in foreign currency, if not admitted for trading on a German stock exchange, irrespective whether they are in Germany or abroad.
4. Due interest or profit participation certificates; redeemable foreign securities; and those German securities which are payable in foreign currencies, which are not admitted for trading at a German stock exchange, irrespective whether the interest or profit participation certificates and securities are in Germany or abroad.
5. Gold, irrespective whether located in Germany or in foreign countries.

(2) Foreign currency which was liable to be offered on 1 June 1933, is defined as such foreign currency under the terms of paragraph 1 (in the case of paragraph 1, figure 3: if acquired after 13 July 1931) for which Article I or Article III of the implementation decree of 23 May 1933 (Reich Law Gazette I, page 273) has

either fixed or maintained the obligation of offering to the Reichsbank. Exempt from the duty of offering according to Article 1, section 1, figure 2; and article 3, are following:

1. Foreign currency, for which, as the date this law becomes effective, there was no possibility of redemption due to legal or actual reasons;
 2. Foreign exchange which shall be offered until 31 August 1933 to the Reichsbank or a foreign exchange bank.
- These obligations to report which arise from Article 1, paragraph 1, figure 1; Article 1, paragraph 2; Article 2, shall remain unaffected.

Article 3.

Persons who must file reports.

- (1) Every person must file reports who, on 1 June 1933,
1. owned assets which had to be reported in which were subject to either a report or a tax to be assessed. There will be no duty to report if Article 4 applies;
 2. was a fulfiller, according to the provisions of the Reich Tax Code (particularly Articles 103 and following) the duties of a taxpayer (for example as a legal representative or testamentary executor).
- Duty to report applies only to those assets which are subject to be reported, and which on 1 June 1933 were administered by persons who are subject to file reports.

(2) A proper (legally and timely) report which is filed by, or in place of, a person who is obliged to report, shall benefit to the estate as far as the person who is obliged to make a report also all the other persons who are obliged to make a report.

Article 4.

Report Office.

- (1) The report (Article 1 through 4) must be filed with the competent treasury office (Article 73, paragraph 5, of the Reich Tax Code), or with another agency of the Reich treasury administration.
- (2) If foreign exchange is reported, the report shall be deemed a transfer of foreign exchange.

Page 1 of original cont'd.

Article 6.

Report Deadline.

- (1) The report (Article 1 through 4) must be filed before 31 August 1963.
- (2) In order to observe the report deadline it is required that the report be received before the end of 31 August 1963 at the report agency (Article 5).

Page 2 of original.

Article 7.

Exemption from Disbursement When
Fulfilling the requirements.

- (1) If reportable assets are reported to a reporting agency before 31 August 1963 (Article 5), (subject to paragraphs 3 through 5) exemption from Disbursement (including Disbursement penalties) shall apply for violations of tax and foreign exchange laws which were committed before this law became effective, to wit, as follows:
 1. concerning the assets reported;
 2. concerning the instruments of payment and other assets which were used directly or indirectly for the acquisition of the assets reported;
 3. concerning the profit and income from assets described in figures 1 and 2;
 4. concerning the profit and income from assets described in figures 1 and 3, which are affected.
- (2). Tax defaults must be paid subsequently. If proper reports are made (paragraph 1), there will be no interest or delay charges imposed for the time before 1 September 1963 (subject to paragraph 3). For the time after 31 August 1963, interest must be paid for tax defaults; the interest rate in cases of delay shall amount to 12 %, otherwise 5 % per year.

page 5 of original cont'd.

(3) Exemption from punishment (also from disciplinary penalties) and exemption from paying interest and delay charges for the time before 1 July 1933 (paragraph 2, second sentence), shall not apply concerning the delinquencies described in paragraph 1, if:

1. a tax authority received knowledge of assets which are subject to be reported, before a report was filed with a report agency (Article 5);
2. the tax delinquency is not paid within the time fixed in the statutory law claim.

(4) Exemption from punishment (also from disciplinary penalties) shall not apply to foreign exchange violations as described in paragraph 1, if the reportable foreign exchange balance report is received by the report agency (Article 5).

Section 10 of Criminal.

Section 10a to the Reichsbank, in order to ensure cooperation with the administration of foreign exchange, or to a prosecuting authority.

(5) In cases where foreign exchange, which has not been offered to the Reichsbank in proper time, has been used directly or indirectly, before this law becomes effective, for the requisition of objects which are not foreign exchange, (Nichtdevisen), which are, however, subject to being reported according to the provisions of this law as assets located abroad, then exemption from punishment for foreign exchange violations, which are concerned, shall only apply if the foreign exchange violations shall have been reported to the Reichsbank before the end of 31 August 1933, and if, in addition, foreign exchange is tendered within a time limit set to the amount to be fixed by the Reichsbank.

Article 3.

Penalties Applying to Members of the Reichsbank Duty to Report.

(1) Any persons who are members of the German Reich on the date this law becomes effective shall, if they intentionally violate the duty to report (Articles 1 through 5), be punished for treason against the German economy with a penitentiary term of not less than three years. In case

Page 3 of original cont'd.

of mitigating circumstances, the punishment shall be a penitentiary term not to exceed ten years. In addition to the penitentiary term, the loss of civil rights will be pronounced.

(2) Any persons who are members of the Senate which on the date this law becomes effective shall, if they do not fail to fulfill in time their duty to report (Articles 1 through 5), be punished with a prison term of not less than one year.

(3) Any persons who are not members of the Senate which on the date this law becomes effective shall, if they intentionally or negligently fail to fulfill in time their duty to report (Articles 1 through 5), be punished with a prison term.

Article 8.

Article 1 - Penitentiary.

(1) The Special Courts, constituted according to the Decree about the Establishment of Special Courts, of 21 March 1933 (Reich Law Gazette I, page 103), shall have jurisdiction for offenses threatened with punishment, pursuant to Article 3.

Page 7 of original.

(2) The provisions of the Decree of 21 March 1933 (Reich Law Gazette I, page 103), shall apply for the Special Courts.

(3) In case of a crime or offense committed against Article 1, paragraphs 1 and 2, of this law, a main trial may be held under the provisions of Article 273 of the Code of Criminal Procedure. The provisions of Articles 273 through 281 of the Code of Criminal Procedure shall apply. If a person sentenced or threatened of lives himself up to the court, the court must, upon his application, grant a new main trial. With this resolution the former sentence becomes void.

Article 10.

Implementation and Amendment.

The Reich Ministers of Finance, Economics and Justice are authorized, for the purpose of implementation and amendment of Articles 1 through 7

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Page 10 of original cont'd.

and 5 of this law (particularly 135 to prevent evasion), to issue ordinances and general administrative regulations. In addition, provisions are to be issued concerning police, passport (testing laws) with regard to such assets which are subject to being reported according to this law.

Berlin, 12 June 1933.

The Reich Chancellor
Adolf Hitler

The Reich Minister of Finance
Graf Schwerin von Krosigk

The Reich Minister of Economics
Gustav

The Reich Minister of Justice
H. Gertner

Certification.

I, [Signature] certify that the foregoing document, comprising seven pages, is a true and accurate copy of the above-mentioned Reich Law, dated 12 June 1933, issued by the Reich Chancellery, Berlin.

Munich, 25 January 1940.

(Signature) Hermann Goebbels
(Dr. Maria Theresia Goebbels)
Assistant Deutsche Council

CERTIFICATE OF TRANSLATION.

I, Th. Klein, hereby certify that I am duly appointed translator for the German and English languages and that the above is a true and correct translation of the document No. 51.

Th. Klein, No. 130 307.

Munich, 2 January 1938.

REICHSGESETZBLATT

Part I

1938	Issued at Berlin, 13 December 1938	No. 211
Date	Subject	Page
12 December 1938	Proclamation of the Law concerning Foreign Exchange Control	1733

Proclamation of the Law concerning
Foreign Exchange Control
Of 12 December 1938.

Pursuant to Section II of the Second Law for the Revision of the Law on Foreign Exchange Control of 9 April 1938 (RGBl., I, page 376), the Law on Foreign Exchange Control in its new wording is promulgated as follows:

The law takes effect on 1 January 1939.

At the same time the following will become ineffective:

The Law concerning the Foreign Exchange Control of 4 February 1935 (RGBl., I, page 106) in the wording of Article 3 of the Decree on the Introduction of the Legislation on Foreign Exchange Control and clearings with foreign countries in the Saarland of 23 February 1935 (RGBl., I, page 278).

The Executive Decree to the Law on Foreign Exchange Control of 4 February 1935 (RGBl., I, page 114) in the wording of Article 2 of the Decree on the Introduction of the Legislation on Foreign Exchange and clearings with foreign countries in the Saarland of 23 February 1935 (RGBl., I, page 278).

The Second Executive Decree to the Law on Foreign Exchange Control of 24 July 1935 (?) (RGBl., I, page 1046).

The Third Executive Decree to the Law on Foreign Exchange Control of 1 December 1935 (RGBl., I, page 1408).

The Fourth Executive Decree to the Law on Foreign Exchange Control of 23 December 1935 (RGBl., I, page 1543).

The Fifth Executive Decree to the Law on Foreign Exchange Control of 25 May 1936 (RGBl., I, page 467).

The Sixth Executive Decree to the Law on Foreign Exchange Control of 28 October 1936 (RGBl., I, page 930).

The Seventh Executive Decree to the Law on Foreign Exchange Control of 19 November 1936 (RGBl., I, page 946).

The Law for the Revision of the Law on Foreign Exchange Control of 1 December 1936 (RGBl., I, page 1000).

The Eighth Executive Decree to the Law on Foreign Exchange Control of 17 February 1937 (RGBl., I, page 342).

The Ninth Executive Decree to the Law on Foreign Exchange Control of 20 February 1937 (RGBl., I, page 255).

The Tenth Executive Decree to the Law on Foreign Exchange Control of 15 September 1937 (RGBl., I, page 1018).

The Eleventh Executive Decree to the Law on Foreign Exchange Control of 30 March 1938 (RGBl., I, page 343).

Section I of the Second Law for the Revision of the Law on Foreign Exchange Control of 9 April 1938 (RGBl., I, page 375).

The Law for the Revision and Supplementation of the Foreign Exchange Regulations (Foreign Exchange Control Law for Austria) of 23 March 1938, Law Gazette for Austria No. 13).

The Decree of the Minister of Finance on the limitation of free amounts for export and import in tourist traffic and frontier traffic of 29 March 1938 (Law Gazette for Austria No. 42).

The Second Decree of the Minister of Finance on the limitation of free amounts for export and import on tourist traffic and frontier traffic of 9 May 1938 (Law Gazette for Austria No. 126).

The Law for the Revision and Supplementation of the Foreign Exchange Decrees (Second Law on Foreign Exchange for Austria) of 1 June 1938 (Law Gazette for Austria No. 155).

Berlin, 12 December 1938.

The Reich Minister of Economics
Walther Funk.

Law on Foreign Exchange Control
of 12 December 1938.

I n d e x :

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1. Foreign Exchange Control Agencies
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1. Currency and monetary claims
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1. Penalties; Confiscation
2. Co-responsibility; Seizure of Fines and Confiscation
3. Criminal Procedure.

Section VII: Final Provisions.

Section I: General Provisions.

Article 5

(1) Germans as defined in this law include individuals or legal entities who have their residences, customary abodes, domiciles, or main offices in Germany; branches of foreign enterprises located in Germany and foreign owned enterprises in Germany are considered as German whether or not they are legally independent and notwithstanding the fact that the main office is located abroad.

(2) Foreigner as defined in this law includes the legal entities who have their residences, customary abodes, domiciles or main offices abroad; foreign branches of German enterprises and the foreign management of German enterprises are considered as foreign, regardless of their legal authority, unless the main office is located in Germany.

Section III: Obligation to offer.

Article 46

(1) In accordance with Article 48 Germans must offer to the Reichsbank such valuables of the below-mentioned kind which they have not acquired by virtue of a permit:

1. foreign currency;
2. claims in foreign currency;
3. bills of exchange and checks made out in German currency, which are drawn on a foreign country;
4. claims in German currency against foreigners;
5. gold;
6. foreign securities, German bonds in foreign countries as well as interest bearing bonds and bonds without interest of the Konversionskasse (Conversion Bank) for German liabilities abroad;

Article 52

Obligations of the owner of an object to be offered must equally be fulfilled by the person who holds the object wrongfully or a trustee, who handles the object through a company or through any other way.

REICHSGESETZBLATT

Part I

1936	Issued at Berlin, 4 December 1936	No. 114
Date	Subject	Page
1 December 1936	Law against Sabotage of the Economy	999

.....

Law against Sabotage of the Economy
of 1 December 1936.

The Reich Government has enacted the following law which is hereby promulgated:

Article 1

(1) A German national who for his selfish advantage or for other purposes, deliberately and unscrupulously, shifts or retains assets in foreign countries contrary to legal provisions and thereby causes grave damage to the German economy, shall be punished by death. His property shall be confiscated. Such person is also punishable notwithstanding that the act was committed in a foreign country.

(2) The People's Court is competent for passing judgment.

Article 2

This law is effective upon its promulgation.

Berlin, 1 December 1936

The Führer and Reich Chancellor
Adolf Hitler

The Plenipotentiary for the Four-Year Plan
Goebbels
Prime Minister

For the Reich Minister for Economics
Bosch

The Reich Minister of Justice
Dr. Guertner

Document A.H. No. 51

Vol. 10.

THE FOREIGNER'S LAW

Collection of revisions concerning the Foreigner's Law.

Dr. J. J. J. J.

Formerly Dr. J. J. J. J. J. J.
as 1875
Vol. 10. 1875

German in hold
English in the
which 1875 1875

Dr. J. J. J. J. J. J.

First Edition

First and Second Editions (Part 1 and 2)
Second completely revised edition.

First Edition

First Edition

.....

A 22 1. Foreign branches of German companies.....

A 23 Section 1: General Provisions.

A 24
Article 6

(1) "German" as defined in this law includes individuals or legal entities¹⁾, who have their residence²⁾, customary places³⁾, domiciles⁴⁾ or main offices⁵⁾ in Germany.⁶⁾ Branches of foreign enterprises located in Germany and

foreign-owned enterprises⁷⁾ are considered as German whether or not they are fully independent and notwithstanding the fact that the main office is located abroad.⁸⁾

(2) "Foreign" as defined in this law includes the legal entities¹⁾ who have their residence²⁾, customary places³⁾, domiciles⁴⁾ or main offices⁵⁾ abroad⁶⁾; foreign branches of German enterprises and the foreign component of German enterprises are considered as foreign, regardless of their legal authority, unless the main office is located in Germany.⁹⁾

.....

A 27 3) The definition of main offices coincides with the definition of domicile. If the business management is defined by the laws. According to Article 15 of the Tax Adjustment Law it is defined as the center of the top administrative organs of the business.

(including companies administering patents or copy rights),
irrespective of their legal form. (family foundations, associations,
companies corresponding to the German G.m.b.H. a.s.o.). But for
practical reasons I maintain the principle expressed by the general
decree of 25 October 33. I 49 131/33 (RSTL. 1933 S 1132) that
the domicile of the management of a company is, as a rule, to be
considered as being located abroad, if it has a current business,
particularly, if it produces goods abroad or buys from Germany
and sells abroad under its own name (production and distribution
companies). Less latter day domiciles (comp. supr.), however,
will as a rule have to be considered as German in these cases
also. Besides, I should prefer to assume the existence of a foreign
domicile of management in the cases of production and distribution
companies, even if the management abroad should be influenced from
Germany to a large extent. To this extent treatment under the
foreign exchange laws may deviate from treatment under tax law.

Should this treatment under foreign exchange law protecting
the interests of the parties concerned and guaranteeing, as a result,
freedom of movement of the company abroad lead to abuses, the
Reich Minister of Economics reserves the right to make full use
of powers given to him by art. 7, par. 2 of the Foreign Exchange
Law in the case of manufacturing and distributing companies as
well, in establishing the domicile of the management after having
received a report to be submitted by the competent foreign
exchange office.

It is evident from the words of the RZ. that the concept of "German domicile of the management" is differently determined according to the economic tasks of the enterprise. In the case of pronounced capital companies or for influence exerted upon the foreign holding companies from within Germany may be sufficient to justify the assumption that the management of the latter is located in Germany.

.....

A 46 Article 7

(2) The Reich Minister of Economics and the foreign exchange offices may determine with binding effect the subsumption of a person or an object under foreign exchange law³⁾, particularly whether a person is a German or a foreigner⁴⁾.

.....

A 171 Section 3, Requirement to tender. Article 53
Article 52.

The requirement incumbent upon the owner of the object to be tendered extends to anyone possessing the object as belonging to himself²⁾ or exercising the power of disposing over the object through a trustee³⁾ or a trading company⁴⁾ or in any other way.

.....

A 173
.....

4. The person controlling the trading company in a legal sense, or actually, immediately or through a third person, has the power of disposing over it. A fixed percentage which may result in the assumption of a controlling interest cannot be established generally. In any case the person

in control need not hold all shares of the trading company. A participation of foreigners does not exclude the possibility of the control of a trading company by Germans. Several Germans controlling the trading company are jointly obliged to tender. If the person in control is a German and the trading company a foreigner (comp. footnote 5 to article 5 EWG) the German is, as a matter of principle, required to tender values acquired by the foreign company, if values are concerned enumerated in para. 43 of the foreign exchange law. With regard to values belonging to the working capital, the Reich Minister of Economics has, in agreement with the RB, established a general exemption from the obligation to tender. (As to details comp. 22 152/36 DST. II).

CERTIFICATE OF TRANSLATION.

I, E. Gattlinger, A 444 359, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document No. Wt.R. 54.

Munich, 10 February 1948.

E. Gattlinger, A 444 359.

REICHSGESETZBLATT

Part I

1938	Issued at Berlin, 23 December 1938	No. 222
Date	Subject	Page
22 December 1938	Decree on Foreign Exchange Control (Directives for the Foreign Exchange Control)	1851

Decree on Foreign Exchange Control
(Directives for the Foreign Exchange Control)
Of 22 December 1938

Pursuant to Art. 97 of the Foreign Exchange Control Law of 12 December 1936 (Reich Law Gazette I, p. 1733), in agreement with the Reich Ministers concerned the following new directives for the control of foreign currencies, are hereby issued.

They become effective on 1 January 1939. The decree on foreign exchange control (Directives for the foreign exchange control) of 19 December 1936 (Reich Law Gazette I p. 1021) becomes inoperative on the same day.

Berlin, 22 December 1938

The Reich Minister for Economics
Brinkmann, deputizing

Table of Contents

Section I: General Directives and Directives to Section I of the Foreign Exchange Law

	Nos.
Definition of Terms	1 and 2
General Principles	3 thru 8
Material Jurisdiction	9 " 12
Local Jurisdiction	13 " 17
General Provisions on Permits	18 " 22
Individual Permits	23 " 25
Group Permits	26
General Permits	27 " 29
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Section II: Directives to Section II of the Foreign Exchange Law

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Free Foreigners Accounts	1 thru 6
Forward Exchange Operations	7
Purchase of foreign currency against German Means of Payment	8 and 9
Disposition of foreign means of payment and of claims against foreigners	10 thru 18

1851

	Nos.
Internal Payments in favor of Foreigners	19 thru 23
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Blocked Claims	32 thru 35
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Export of Means of Payment	44 thru 46
Import of German Money	47 thru 51
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Real Estate and Rights to Real Estate	68 thru 70
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Section IV: Directives for Special Groups of Transactions

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Raw Materials Credit Transactions	12
Foreigners' Collections Accounts	13
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Collection and Cash upon Delivery	22 thru 26
Patent Fees, Licenses	27 thru 29
Traffic in Gold, other Precious Metals and Breakage of these Metals	30 and 31
2. Insurance Trade	32 thru 41
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3. Movement of Capital	42 thru 57
Repayment of Credits	42 thru 44
Interests, Proceeds and Regular Amortisations	45 thru 48
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1852

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4. Other Payments	58 thru 69
Pension and Welfare Payments	58 " 62
Emigration	63 " 65
Officials abroad	66
Foreign Representations and Diplomats	67 and 68
Lottery Gains	69

....

CERTIFICATES OF TRANSLATION

I, A. Ehrmann ETO 20 116, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt.R. No. 55.

10 February 1948

A. Ehrmann
ETO 20 116

REICHSGESETZBLATT

Part I

1938 Issued at Berlin, 28 December 1938 No. 228

Date	Subject	Page
23 December 1938	Executive Decree to the Foreign Exchange Control Law	1966
		1966

Executive Decree to the Foreign Exchange Control Law of 23 December 1938

Pursuant to Article 65, para. 2, and Article 96 of the Foreign Exchange Control Law of 12 December 1938 (RGBl. I, page 1733) it is hereby ordered:

I. Control of Export Proceeds

Article 1

(1) The goods which are exported from the German territory are to be reported in an export Foreign Exchange declaration (for: I).

(2) Export as defined in this regulation is the transfer of goods from the German trading area over the frontiers of the German trading area. German trading area (Wirtschaftsgebiet) as defined in this regulation is the Reich area exclusive of the German customs enclaves.

1967

II. Control of Imports

Article 9

(1) Certain goods will be processed for free entry in customs districts or for registration with the custom house (Zollvermerkverkehr) only if at the time of processing the permit of a Foreign Exchange Control Office for the payment of the goods (Foreign Exchange permit) is presented. Without this permit the customs will not process the goods for free entry.

(3) The Reich Minister for Economics announces in the German Reichsgesetzblatt und Preussische Staatsgesetzblatt the goods to which the provisions of para. 1 apply.

.....

5. Taking Effect.

This Decree takes effect on 1 January 1939.

Berlin, 23 December 1938

For the Reich Minister for Economics
Brinckmann

The Reich Minister of Finance
For the State Secretary
Mücher

.....

REICHSGESETZBLATT

Part I

1939 Issued at Berlin, 20 March 1939 No. 49

Date	Subject	Page
16 March 1939	Second Regulation for the Administration of the Foreign Exchange Control Law	502

Second Regulation for the Administration of the Foreign Exchange Control Law, of 16 March 1939 *).

Under Section 96 of the Foreign Exchange Control Law of 12 December 1938 it is hereby ordered:

Article 1

(1) A German shall tender to the Reichsbank before 15 April 1939 foreign securities (Article 5, No. 2 of the Foreign Exchange Control Law) in their possession at the time of the effective date of this regulation, even where acquired prior to July 13, 1931; these securities shall be sold or transferred upon demand directly to the local branch of the Reichsbank or through the mediation of a devisen bank. The same applies to emigrants (Art. 5, para. 3 of the Foreign Exchange Control Law) having foreign securities, provided they are directly or indirectly in charge of a German; the custodian shall advise the local branch of the Reichsbank of such securities prior to 15 April 1939.

Article 2

503

The penalties and other measures provided under Articles 69, 72 to 76 of the Foreign Exchange Control Law shall be equally applied to violations of Article 1.

Berlin, 16 March 1939

The Reich Minister for Economics
Walther Funk

*) Published in the Deutsche Reichsanzeiger und Preussische Staatsanzeiger No. 66 of 18 March 1939.

REICHSGESETZBLATT

Part I

1939	Issued at Berlin, 26 May 1939	No. 86
Date	Subject	Page
29 April 1939	Third Executory Decree to the Foreign Exchange Control Law	879

879

Third Executory Decree to the Foreign
Exchange Control Law of 29 April 1939

Pursuant to Article 96 of the Foreign Exchange Control Law
of 12 December 1938 (RGBl. I, page 1733, 1734) it is hereby
ordered:

Article 1

The provisions of Articles 17 to 20 of the Foreign Exchange
Control Law apply correspondingly to Czech currency.

Article 2

The penalties provided by Articles 69 and 71 to 79 of the
Foreign Exchange Control Law and other measures will be equally
applied to violations of Article 1.

Berlin, 29 April 1939.

The Reich Minister for Economics
Walther Funk

The Reich Minister of Finance
Graf Schwerin von Krosigk.

Case 6
Defense

Supplement
to Document Book Economic Regulations (for all Defendants)
No. II

Doc. No. 81

Page 2a, b, c, d.

submitted by

Dr. BERNDT

BORNEMANN

Long



SUPPLEMENT TO ECONOMIC
REGULATIONS

ECONOMIC GROUP PRIVATE BANKERS
- Central Association of German Banks and Bankers -

Telegrams:
Bankier-Centrale

Berlin NW 7, 29 October 1936
Dorotheenstr. 4
Telephone: A 6 Merkur 5581

Postal Check account Berlin 86070

Manuscript for members only!

Subject: Foreign exchange control.

Circular No. 156

(Pursuant to
Foreign exchange circular No. 152)

1. Petitions to the Reich Office for Foreign Exchange Control.
2. Transfer of Pensions.
3. 5% Loan of ^{the} Gelsenkirchen Mining Company A.G. of 1936.
4. Literature.

Supplements: RE 149 concerning Switzerland; payments system
RE 150 concerning transfer of pensions.
RE 151 concerning the granting of price reductions.
RE 152 concerning the status of nationality of companies.

RE.

Circular decree No. 152 of 23 October 1936

No. 156.

Re VI 2:

- I. National or foreign status of companies and corporations.
- II. Compulsory declaration for indigenous persons in control of foreign companies and corporations.

In repeal of my General Decree I 49 131/33 of 25 October 1933, I hereby order the following:

I.

~~National or foreign status with regard to companies and corporations~~

1. Companies or corporations (in particular companies with limited liabilities (Kapitalgesellschaften), other legal persons in the sense of civil law, legally incapable associations, institutions, foundations and other properties with special purposes) with their seat or place of administration in Germany are to be considered with regard to foreign currency regulations as indigenous (Art. 6, Par. 6. Foreign Exchange Law). The seat of a company or a corporation is legally fixed and usually stated in the statute of the company

SUPPLEMENT TO ECONOMIC
REGULATIONS

the charter of foundation etc. (op. Art. 15, Par. 3, St/impG.) (Steueranpassungsgesetz - Law of taxation adjustment). The place of administration is shown by the actual organization of the management; it is the centre of the managerial directorate (Art. 15, Par. 1, St/impG.). If the location of the seat is not identical with the place of administration, then the place of administration will determine in principle the question of whether it is to be regarded as national or foreign from the point of view of foreign currency. The formal factor of the seat must in principle give way to the material factor of the place of management, just as in the question of the indigenous or foreign nationality of natural persons the formal factor of the residence gives way to the material factor of the used domicile. This principle does not apply to branches of a foreign firm within the frontiers, and to businesses in the country, owned by a foreigner, which are legally not independent. In order to facilitate economic trading, these are regarded as national, regardless of the place of their management, (Ri I, 5; first half sentence; RE 114/35 DSt.). The same applies to legally independent companies and corporations which have their seat at home whereas the place of management is abroad. However, as is shown by the wording of Ri I, 5, second half sentence, branches of national firms abroad and foreign enterprises owned by a national which are legally not independent are, for purposes of foreign currency regulations, regarded as national insofar as the place of management is at home. The same applies to legally independent companies and corporations which have their seat abroad whereas the management is at home.

2. The determining of the place of the management of companies and corporations depends on where the actual decisions concerning the management of the foreign company are being made. The place of management of a company will usually be at home; in that case, if only a so-called nominal address (Briefkastendomicil) exists abroad, i.e., a formal office, generally a small one, the activity of which is confined to messenger-service between the national, or the national company, and third parties. The fact that the members of the Vorstand or the managers are foreigners by reason of their residence or their nationality is not a fundamental obstacle in determining a national place of management. The principle of Art. 15, Par. 2, Taxation Adjustment Law, according to which, even if the place of management is abroad, this place of management is - in respect of foreign currency regulations - supposed to be in the same place as the residence of the management of the controlling natural person or corporation, cannot be applied to foreign currency law because there is no express order to that effect.

These principles, which agree with the taxation laws up to this point, can be applied without restrictions only to companies for the management of property (including companies for the safeguarding of patents and other copyrights), in which case it is a matter of indifference what legal form they take. (Family endowments, associations, companies corresponding to the German G.m.b.H. (- Ltd Coy) etc.) On the other hand, for practical purposes I keep to the principle already laid down in the General Decree of 25 October 1933 - I 49 141/33 - (RStBl. (- Reichsteuerverblatt) 1933, p. 1132) namely that the place of management of a company which has a current business, is manufacturing in particular products abroad or is purchasing them inside the Reich and selling them abroad under its own name (manufacturing and distributing companies) must as a rule be considered as being situated abroad. Here nominal addresses (Briefkastendomicile) (see above) will, however, also be considered as national in these cases, as far as foreign currency regulations are concerned. Moreover, I should like to assume a foreign place of administration in the case of manufacturing and distributing companies, even if the foreign management is to

SUPPLEMENT TO ECONOMIC
REGULATIONS

a great extent under the influence of the home country. Up to this point, the foreign currency regulation can differ from the tax regulation. However, if there is any abuse of this favorable treatment from the point of view of foreign currency regulations which is provided for in the interests of the parties concerned, and of the resulting freedom of movement of the foreign companies, then I reserve the right, on receipt of a report to be submitted to me by the competent foreign currency office, to make full use of the possibilities granted to me under art. 6, par. 6 Dev G (Foreign Currency Law), in determining the place of management, even in the case of manufacturing and distributing companies.

3. Companies and corporations which under foreign currency regulations are to be considered as nationals, are in particular to be subject to the regulations governing the obligation to offer for sale (art. 1 DurchfVO. zum DevG. (- Implementation ordinance for the Foreign Exchange Law). They are, moreover, liable with their property to the restrictions governing purchase and disposal as stipulated by the foreign exchange law and its implementation ordinances (cp. in particular art. 9 - 28 of the Foreign Exchange Law, par. 1 of the Third Implementation Ordinance, art. 1 of the fifth Implementation Ordinance). The responsibility for the carrying out of the resulting obligations will rest with the national - besides the foreign company - who controls the company or endowment either according to company law or according to the statute (Art. 35, par. 2, second sentence of the Foreign Exchange Law).

II.

Obligation to offer for sale according to art. 35, par. 2, second sentence, of the Foreign Exchange Law.

1. As far as companies with their seat abroad - in spite of their being dependent on nationals - have their place of management abroad according to the above statements, and must therefore be considered under foreign currency regulations as foreigners, there may arise for their property - notwithstanding their status as foreigners - from art. 35, par. 2, second sentence of the foreign currency law an obligation to offer for sale according to art. 1 of the implementation ordinance of the foreign currency law. According to art. 35, par. 2, second sentence, that person, too, is liable to an obligation to offer for sale the properties mentioned in art. 1 of the implementation ordinance of the foreign currency law, who controls these properties through a trustee, a trading company or in any other way provided that he himself is a national. In contrast to the cases enumerated in art. 35, par. 2, third sentence, the obligation to offer for sale does not necessarily imply, according to the third sentence, that apart from the actual owner of the right of disposal, the trustee or the trading company, too, are themselves bound by the obligation to offer for sale. The second sentence stipulates in particular the obligation to offer for sale according to the economic owner of properties which must be offered for sale in cases where the formal owner (trustee, trading company, etc.) is a foreigner, and is therefore not obliged to offer for sale.

This obligation to offer for sale is important for those nationals who are in possession of such companies and corporations as are to be regarded as foreigners, according to the principles as set forth sub I 2 of this circular decree. The question of whether the right of disposal of properties which must be offered for sale rests with a trading company, must be answered in the affirmative if those who are under an obligation to offer for sale are directly or indirectly in control of the company. It then makes no difference whether the control is exercised by one or several persons. Such a control does not imply that 100% of the shares of the company are in the hands of a national. It only depends whether the controlled company is controlled in the last

SUPPLEMENT TO ECONOMIC
REGULATIONS

instance by the will of one or several nationals. A hard and fast relation of shares, where a control might be supposed, can in general not be given. If there is actually any control in the above sense, a participation of foreigners in the foreign company does not prevent the application of Art. 35, par. 2, second sentence, of the Foreign Exchange Law. The Reichsbank will, however, take into account the just interests of foreign partners in its decisions under number 3b of this section, provided that these interests are not those of mere nominal representatives of a national. The control of a foreign company by a national can be carried out not only directly but also indirectly with the help of another controlled company.

2. Up to now this legal situation has not been dealt with consistently by the foreign exchange offices. I therefore beg to submit them to the foreign exchange offices for general information. In future these questions must be dealt with on these lines. In particular, a re-examination must be made of decisions taken in the past concerning the alien status of a foreign company controlled by nationals, and of the non-existence of an obligation to offer for sale.

ENDORSEMENT.

It is hereby testified and endorsed that the above document, consisting of four pages, is an exact and literal copy of the above-mentioned circular No. 155 of the Economic Group Private Bankers, printed at Berlin as manuscript.

Nuernberg, 28 January 1948.

Signature: MUENZEL

.....
(Dr. juris Hermann MUENZEL)

Assistant Counsel for the Defense
Military Tribunal U.S. Nuernberg,
Germany
Case No. 5
Tribunal No. VI.

CERTIFICATE OF TRANSLATION

19 February 1948

I, Monica WELLSWOOD, E. 20148, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the Supplement to Economic Regulations.

Monica WELLSWOOD,
E. 20148

Case 6
Defense

Military Tribunal VI

Case VI

The Regulation of the Economy

in the Third Reich

(for all Defendants)

Document Book III

Submitted by Defense
Counsel

Dr. Erich Berndt

Karl Bornemann

Being



The Regulation of the Economy

in the Third Reich.

Compilation of the most important laws,
decrees, etc., regulating German economy
since 1933.

(With the aid of these laws and decrees the formerly
free German private economy was, gradually, un-
der the Third Reich, coordinated, first in general
planning, then directed by the State, dominated by
the National Socialists and finally ruthlessly sub-
jugated, and was thus transformed into a governed
economy).

In the following index the laws and decrees are arranged in seven different groups of documents according to their special fields, namely:

- I. The fundamental Measures of the Third Reich
- II. The Labor Allocation Laws of the Third Reich
(Ad I and II contained in Document Book I)
- III. The National-Socialist Compulsory Regulations on Prices and Profits
- IV. The Third Reich Laws on Foreign Exchange
(Ad III and IV contained in Document Book II).
- V. The Special Laws of the Third Reich for the Control of Production and Commerce.
- VI. The Compulsory Measures in the Construction Field.
- VII. The anti-capitalist result of the National-Socialist Suppression of free enterprise.
(Ad V, VI and VII contained in Document Book III).

Within each group of documents the laws and decrees are arranged according to their date.

Index of Document Book III
The Regulation of the Economy in the Third Reich

Doc. No.	Exh. No.	Subject	Page
V. Series of documents, relating to			
<u>Special Laws of the Third Reich for the</u>			
<u>Control of Production and Commerce,</u>			
which were enacted in the first years of National-Socialist regime and which in due time led more and more to a state economy excluding entirely the freedom of the private entrepreneur, with special emphasis on details in the field of export trade. (Comp. the fundamental laws in the series of docu- ments No. I of Document Book I).			
59.		Law protecting German Exports of 22 Sep- tember 1933 (RGBl., I, page 667)	2
60.		Law regarding Traffic in Industrial Raw Materials and Semi-Finished Products of 28 March 1934 (RGBl., I, page 212) (Revised by the Decree of 13 July 1934 - RGBl., I, page 709).	3
61.		Commodity Exchange Decree of 4 September 1934 (RGBl., I, page 816)	5
62.		Law for the Amendment of Provisions of the Criminal Code and Criminal Procedure of 24 April 1934 (RGBl., I, page 341).	8
63		Decree on the Setting-up of Control Offices of 4 September 1934 (German Reichsanzeiger No. 309 of 7 September 1934) (This Decree was supplemented by the announce- ment of the jurisdiction of control- and/or Reich offices of 13 and 14 September 1934 - German Reichsanzeiger No. 215)	10

Index of Document Book III

The Regulation of the Economy in the Third Reich

Doc. No.	En. No.	Subject	Page
64.		Law concerning the Export and Import of War Materials of 6 November 1936 (RGBl., I, page 1337).	13
65.		Decree for the Amendment of the Commodity Exchange Decree of 26 June 1937 (RGBl., I, page 701).	14
66.		Export-Import Exchange Law of 25 March 1939 (RGBl., I, page 578) and First Executive Decree to the Export-Import Exchange Law of 27 March 1939 (RGBl., I, page 589).	16
67.		Law concerning Statistical Data on the Exchange of Commodities with Foreign Countries (Foreign Trade Statistics - HStatG -) of 31 March 1939 (RGBl., I, page 646).	19
68.		Second Supplementary Decree to the Commodity Exchange Decree of 18 August 1939 (RGBl., I, page 1429) and promulgation of the new version of the Commodity Exchange Decree of 18 August 1939 (RGBl., I, page 1430).	21
69.		Decree Supplementing Penal Provisions for the Protection of the Armed Forces of the German People of 25 November 1939 (RGBl., I, page 2119) (Of special importance is Article 4 which provides the death penalty for any one who disturbs or endangers "the proper working of a plant essential for the Reich defense or the supply	23

Index of Document Book III

The Regulation of the Economy in the Third Reich

Doc. No.	Sub. No.	Subject	Page
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of the population by depriving wholly or in part an object serving the plant or by rendering it useless.* Thus, the private entrepreneur is under penalty of death to obey the economic orders of the National-Socialist State Leadership.

70.		Third Decree supplementing the Commodity Exchange Decree of 30 October 1941 (RGBl., I, page 679).	25
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71.		Decree concerning the Supply of Vital Commodities of 16 October 1942 (RGBl., I, page 607).	26
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72.		Fourth Decree for the Amendment of the Commodity Exchange Decree of 11 December 1943 (RGBl., I, page 684) and Promulgation of the Revised Form of the Commodity Exchange Decree of 11 December 1942 (RGBl., I, page 580).	28
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The Regulation of the Economy in the Third Reich

Doc. No.	Doc. No.	Subject	Page
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VI. Series of documents, relating to

30

Compulsory Measures in the Construction Field.

the key industry for the development of German economy, in which, already before the begin of the Second World War, very little latitude was left for private initiative; even an enterprise of the scope and importance of IG could not have made the slightest expansion of their works (not even hygienic facilities such as toilets etc.), unless the approval of the competent Reich Control Offices was obtained in advance. In the use of construction material also, as f.i. chromium (see Document 74), the private entrepreneur was bound by the instructions and licenses of the National-Socialist State.

73.

Excerpt from the Book:

31

Keyser: The Construction Ordinances of the German Reich and Prussia. Loose Leaf-Collection. Third Edition. Publishers Beck, Munich and Berlin 1933.

The excerpt shows the enactment of the following decrees:

- a) Directive No. 12 of the Reich Control Office for the Industrial Raw Supply of 21 November 1935, re.: the restrictions in the mixing of putty and prohibition of painting certain objects with oil and oil-soluble paints (German Reichsanzeiger No. 179).
- b) General Directive of the Reich Control Office for the Industrial Raw Supply of 12 August 1936, re.: the restriction of manufacture and use of lead paint (German Reichsanzeiger No. 187).

The Regulation of the Economy in the Third Reich.

Doc. No.	Edh. No.	Subject	Page
72.		Excerpt from Journal of the Building Authority, 59th year / No. 40/41 of 4 October 1939	36
		The excerpt shows the enactment of the follow- ing directives:	
		a) Directive 38 of the Reich Agency for Metals of 23 October 1936, re. the use of (base) me- tals for building purposes. (German Reichs- anzeiger No. 255 of 31 October 1936).	
		b) Directive No. 40 of the Reich Agency for Metals of 19 November 1936, re. compound layers of (base) metals, especially coat- ings of nickel, chromium, and cobalt (Ger- man Reichsanzeiger No. 274 of 24 November 1936).	
73.		Excerpt from the Book: The Building Ordinances of the German Reich and Prussia. Third Edition. Munich and Berlin 1943 (quoted above).	31
		The excerpt shows also the issuance of the following directives:	
		a) Regulation No. 21 of the Reichsstelle for Iron and Steel of 31 December 1936, concern- ing the Restrictions on the Use of Stainless Steels (German Reichsanzeiger No. 304).	
		b) Decree of the Reich Labor Minister concerning building ordinances for saving building materials of 30 June 1937 (RGBl., I, page 745).	
		c) Circular Decree of the Prussian Finance Mini- ster of 16 July 1937 - Project 2000/30 June - re. saving of building materials.	
		d) Circular Decree of the Prussian Finance Mini- ster of 20 August 1937 - Project 2000/30 July - re. saving of building materials.	
		e) Directive No. 30 of the Reichsstelle for Iron and Steel of 16 December 1937, re. ban on pro- duction and/or on the use of certain objects made of iron and steel (German Reichsanzeiger No. 290).	

The Regulation of the Economy in the Third Reich

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- f) Directive No. 33 of the Reichsstelle for Iron and Steel of 16 May 1938, re. the prohibition of manufacture and use of drainage materials (German Reichsanzeiger No. 112).
- g) Directive No. 34 of the Reichsstelle for Iron and Steel of 23 May 1938, re. the prohibition of manufacture of certain objects of galvanized iron and steel (German Reichsanzeiger No. 116).
- h) Circular Decree of the Prussian Finance Minister of 21 September 1938 - Project 2002/27.8a - re. use of lumber in construction work above ground.
- i) Directive No. 27a of the Reichsstelle for Iron and Steel of 21 November 1938, re. the restriction on the use of drainage pipe made of iron, steel and iron concrete (German Reichsanzeiger No. 271).
- k) Directive No. 40 of the Reichsstelle for Iron and Steel of 30 March 1939, re. the restriction of use of iron and steel for the production of feet and foundations of masts (German Reichsanzeiger No. 78).
- l) Decree of the Reich Labor Minister on building ordinance measures for saving construction material of 13 August 1939 (RGBl., I, page 1425).
- m) Directive No. 39a of the Reichsstelle for Metals of 5 September 1939, re. the use of copper, tin, zinc and their alloys in the building field (German Reichsanzeiger No. 210).
- n) Directive of the Reichsstelle for Metals of 18 September 1939, re. the use of aluminum and magnesium (German Reichsanzeiger No. 225).
- o) Ordinance of the Reich Labor Minister of 24 January 1940 - IV c 9, 8612 c 293/40 - with directives of the same day, re. ordinances for the saving of building material of 30 June 1937/15 August 1939 (RGBl., I, page 728/1425).

The Regulation of the Economy in the Third Reich

Doc. No.	Doc. No.	Subject	Page
		VII. Series of Documents, relating to the <u>anti-Capitalist</u> <u>Result</u> of the <u>National-Socialist</u> <u>Suppression</u> of <u>free Enterprise</u> . as shown on some examples.	41
75.		Excerpt from the Book: Menschke: Armed Economy. Brunsborg Publishers, Berlin, 1940. a) page 8, re: Restriction of the initia- tive of the entrepreneur in Germany; comparison of the situation in 1913 and 1939. b) page 19, re: the Tightening of the tax screw and the reduction of pro- fit in two big enterprises of the German Mining Industry, - the Vereinigte Stahlwerke und Hoesch; comparison of the years 1938/39 and 1937/38.	42
76. - 80.		The Corporation Tax Law, establishing this tax for companies with a profit of more than RM 500,000.- in 1934 to 30 % of profit 1935 " 40 " " " " " 1936 " 45 " " " " " 1937 " 50 " " " " " 1938 " 55 " " " " " 1939 " 60 " " " " " 1940 " 65 " " " " " 1941 " 70 " " " " " 1942 " 75 " " " " "	
		i. e.:	
76.		Corporation Tax Law (KStG) of 18 October 1934 (RGBl., I, page 1031).	46

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The Regulation of the Economy in the Third Reich

Doc. No.	Exh. No.	Subject	Page
77.		Law relating to the Revision of the Corporation Tax of 27 August 1936 (RGBl., I, page 701).	47
78.		Law relating to the Increase of the Corporation Tax Law for the years 1937 to 1940 of 25 July 1938 (RGBl., I, page 463)	49
79.		Decree relating to the Extension of the Validity of the Law for the Increase of the Corporation Tax for the years 1938 to 1940 of 31 December 1940 (RGBl., I, page 70)	50
80.		Decree relating to the Revision of Tax Laws (Tax Revision Decree) of 20 August 1940 (RGBl., I, page 51)	51

Military Tribunal VI

Case VI

I certify that all documents in this document book are true
and literal copies of those documents which were submitted
to the court.

Munich, 26 January 1946.

(Signature) Kunzel
(Dr. jur. Hermann Kunzel)
Assistant Defense Counsel.

V. Series of Documents, relating to

Special Laws of the Third Reich
for the Control of Production and
Commerce.

REICHSGESETZBLATT

Part I

1933	Issued at Berlin, 28 September 1933	No. 106
Date	Subject	Page
22 September 1933	Law Protecting German Exports of 23 September 1933	667
.		

Law Protecting German Exports
of 23 September 1933.

The Reich Government has enacted the following law which is hereby promulgated:

Article 1

The importation of the manufactured products from countries which place limits on the importation of German products may likewise be limited for the protection of German exports, provided that such foreign limitations are not specially provided for in the commercial treaties and applied according to these treaties.

In fixing and appraising the quantity of imports from a specific country, it shall be carefully noted whether the country treats the importation of German products less favorably than the importation of products from another country.

Article 2

The Reich Minister of Foreign Affairs, the Reich Minister of Finance, the Reich Minister of Economics, and the Reich Minister of Food and Agriculture shall be authorized to order the limitation of imports in conformance with this law and to issue the necessary local regulations.

Berlin 22 September 1933

The Reich Chancellor
Adolf Hitler

The Reich Minister for Foreign Affairs
Friedrich von Neurath

For the Reich Minister of Finance
the Reich Minister of the Interior
Frick

The Reich Minister of Economics
Dr. Schmitt

The Reich Minister for Food and Agriculture
Dr. Walther Darré

REICHSGESETZBLATT

Part I

1934	Issued at Berlin, 24 March 1934	No. 32
Date	Subject	Page
22 March 1934	Law Regarding Traffic in Industrial Raw Materials and Semi-Finished Products	212

Law Regarding Traffic in Industrial Raw Materials
and Semi-Finished Products
of 22 March 1934.

The Reich Cabinet has enacted the following law, which is hereby promulgated.

Article 1

The Reich Economic Minister is empowered to control and regulate the traffic in industrial raw materials and semi-finished products, in particular their supply, distribution, storage, market, and consumption.

Article 2

(1) The Reich Economic Minister can organize special supervisory offices for certain kinds of goods for this purpose.

(2) Every supervisory office is under the direction of a Reich Commissioner appointed by the Reich Economic Minister. The Reich Commissioners are to act in accordance with the directives of the Reich Economic Minister.

(3) The Reich Economic Minister is to appoint one or more deputies for every Reich Commissioner.

(4) The Reich Economic Minister can regulate the collection of business costs of the supervisory bureaus by assessment on the economic circles concerned.

.....

Article 4

(1) Whoever willfully or through negligence disobeys an order which the Reich Economic Minister has issued on the basis of this law or his executive or supplementary regulations, will be punished with confinement and a fine, or with one of the two.

(2) In addition to the penalty, the articles, with which the disobedience is concerned, can be confiscated for the good of the Reich.

.

Article 5

(1) If an action punishable under Article 4 is committed in the course of a project, then without prejudice to their criminal responsibility a fine up to 300,000 Reichsmark can be assessed against the owners or managers if they do not prove that they have used the necessary care in the transaction to avoid the punishable action.

(2) The fine will be assessed on authority of a Reich Commissioner of the Reich Economic Court. The assessment is incontestable.

Article 6

In the case of injury which arises because of a measure in accordance with this law, a compensation is not to take place.

Article 7

The Reich Economic Minister is to release the necessary legal and administrative directives for the execution and supplementation of this law.

Article 8

This law is effective upon its promulgation.

Berlin, 22 March 1934.

The Reich Chancellor
Adolf Hitler

The Reich Economic Minister
Dr. Schmitt

The Reich Minister for Supply and Agriculture
H. Walther Darré

The Reich Minister of Finance
Count Schwerin von Krosigk

The Reich Minister of Justice
Dr. Gurtner

Certificate of Translation

1 November 1945

I, WILLARD EVANS SKIDMORE, Lt. (jg), USNR, 391590, hereby certify that I am thoroughly conversant with the English and German languages, and that the above is a true and correct translation of Document Wt. E. No. 60, 211.

WILLARD EVANS SKIDMORE
Lt. (jg), USNR
391590

REICHSGESETZBLATT

Part I

1934	Issued at Berlin, 7 September 1934	No. 103
Date	Subject	Page
4 September 1934	Commodity Exchange Decree	815

Commodity Exchange Decree
of 4 September 1934.

Pursuant to the Economic Measures Law (Gesetz über wirtschaftliche Massnahmen) of 3 July 1933 (RGBl. I, page 585), with the concurrence of the Reich Minister of Food and Agriculture and the Reich Minister of Forestry, the following is hereby decreed:

Authorization

Article 1

The Reich Minister of Economics is authorized to supervise and regulate transactions in commodities, particularly to determine and adopt measures with respect to their content, distribution, storage, sale, use and processing.

Article 2

Insofar as the Reich Minister of Economics may consider it necessary for the supervision and the regulation of transactions in commodities, he may make determinations and adopt measures for the recording of business transactions, particularly accounting procedures.

Article 3

Control Offices (Überwachungsstellen)

(1) The Reich Minister of Economics may delegate his powers derived from para. 1 and 2 wholly or in part. He may establish special control offices.

(2) A Reich Control Office shall become a legal entity by virtue of the fact of its establishment. It is independent with respect to its property and is not part of the fiscal system of the Reich.

(3) A Reich Control Office making purchases for its own requirements shall have equivalent powers of the service offices (Dienststellen) which are considered official and the income and disbursements of which are part of the national budget.

Reich Commissioner (Reichskommissar)

Article 4

(1) The Reich Minister of Economics shall appoint a Reich Commissioner for the Reich Control Office and may designate one or more deputies for the Reich Commissioner.

(2) The Reich Commissioner shall represent the Reich Control Office in court and out-of-court.

.....

Article 5

The Reich Commissioner shall direct the Reich Control Office, subject to instructions by the Reich Minister of Economics.

.....

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Article 6

Source of Funds (Aufbringung der Kosten)

(1) The expenses of the Reich Control Office shall be defrayed from the collection of fees and from contributions. The Reich Minister of Economics shall determine the manner of collection and the group of persons and enterprises required to make contributions.

.....

Article 10

Reporting Requirements (Ankunftsflucht)

The Reich Control Office is an official bureau of reports as defined in the Reports Decree of 12 July 1923 (RGBl. I, 738). It may order the personal appearance of a person required to give information. Where a reporting requirement has been dispensed the provisions of Article 12 to 15 shall also be applied.

.....

Violations (Verstoßesanktionen)

Article 12

(1) Imprisonment and fines to an unlimited amount may be imposed on anyone who intentionally or negligently violates an order issued by the Reich Minister of Economics pursuant to this provision or regulations for its enforcement.

(2) In addition to the imposed penalties, the assets involved in the violation may be confiscated to the account of the Reich.

Article 13

Where the management of an enterprise commits acts subject to penalties under Article 12, a disciplinary fine (Ordnungsgeld) up to the sum of 300,000 Reichsmarks may be fixed to be paid by the owner or director, provided that he does not prove that he exercised necessary care to prevent such punishable acts. The disciplinary fine shall be fixed on application of the Reich Commissioner by the Reich Minister of Economics.

Article 14

The provisions of Articles 12 and 13 apply also if somebody violates deliberately or negligently a regulation which is issued by a Control Office.

.....

Article 17

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Relief from Damages (Schadenshaftung)

No compensation shall be granted by the Reich or by the Reich Control Offices for damage resulting from carrying out measures which have been taken in the administration of this law or of the regulations for its administration and enforcement.

.....

Berlin, 4 September 1934.

The Acting Reich Minister for Economics
Dr. Hjalmar Schacht
President of the Reichsbank Directorate

The Reich Minister for Food and Agriculture
For the State Secretary
Horitz

.....

REICHSGESETZBLATT

Part I

1934	Issued at Berlin, 30 April 1934	No. 47
Date	Subject	Page
24 April 1934	Law for the Amendment of Provisions of the Criminal Code and Criminal Pro- cedure	361
.		

Law for the Amendment of Provisions of the Criminal
Code and Criminal Procedure, of 24 April 1934

The Reich Government has enacted the following law which
is hereby promulgated:

Section I

The first Section (Articles 80 to 93) in the second part
of the Criminal Code is replaced by the following:

.	342
SECTION in	
Treason	
.	344

Article 91 b

Whoever in Germany or as a German abroad, during a war
against the Reich or in connection with an imminent war gives
support to the enemy or injures the military power of the Reich
or her allies shall be punished by death or by hard labor for
life.

If the act has caused only insignificant injury to the Reich
and her allies and only an insignificant advantage to the enemy
and could not have more serious results, a punishment of minimum
two years hard labor can be inflicted.

.
Article 92 a

Whoever, during a war against the Reich or during the time
of a war is imminent, does not fulfil a contract with a govern-
ment agency, pertaining to the requirements of the Armed Forces
of the Reich or one of her allies or fulfills it in a manner

which may thwart or endanger the purpose of the contract, will be punished by imprisonment of at least one year. The same applies in times of a general emergency to a contract with a government agency for the supply or transport of food-stuffs or of other objects required for the relief of the general emergency.

The same punishment will be inflicted upon sub-contractors, agents and representatives of the contracting party who through violation of their contractual duties, thwart or endanger the fulfillment or correct fulfillment.

Whoever commits the act through negligence, will be punished by imprisonment up to two years.

* * *

CERTIFICATE OF TRANSLATION.

I, Fred Lax, X 046 207, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt. R. No. 62.

Thronberg, 6 February 1949.

Fred. Lax
X 046 207

Deutscher Reichsanzeiger
und
Preussischer Staatsanzeiger

.....

No. 209 Berlin, Friday, 7 September 1934, evening

.....

D e c r e e

on the Setting-up of Control Offices

of 4 September 1934.

Pursuant to the Decree on the traffic in goods of 4 September 1934
(RGBl. I, p. 816) it is hereby decreed:

Article 1

(1) For the purposes of controlling and regulating the traffic in goods the following control offices are set up:

1. the control office for wood, with its seat at Berlin,
2. " " " " garden produce, beverages and other food-stuffs, with its seat at Berlin,
3. the control office for coal and salt, with its seat at Berlin,
4. " " " " mineral oils, with its seat at Berlin,
5. " " " " chemistry, with its seat at Berlin,
6. " " " " silk, artificial silk, clothing and related fields, with its seat at Berlin,
7. " " " " furs, " " " " Leipzig
8. " " " " paper, " " " " Berlin
9. " " " " technical products, with its seat at Berlin,
10. " " " " goods of various types, with its seat at Berlin.

(2) Moreover, the following agencies are commissioned to control and to regulate the movements of the goods assigned to them:

1. The Reich Agency for Grain, Forage and other Agricultural Products, Business Department, with its seat at Berlin,
3. the Reich Agency for Milk Products, Iils and Fats, with its seat at Berlin,
2. the Reich Agency for Animals and animal Products, with its seat at Berlin,
4. the Reich Agency for Eggs, with its seat at Berlin.

(3) The goods for whose control each of the offices mentioned in paragraphs 1 and 2 will be competent, will be specially announced.

Article 2

(1) The following control offices will continue to work:

1. The Control Office for Tobacco with its seat at Bremen (Decree concerning tobacco of 27 August 1934 Deutscher Reichsanzeiger

- No. 23 of 31 August 1934//,
2. the Control Agency for Industrial Fat Supply, with its seat at Berlin / Decree on Industrial Fat Supply of 6 July (Deutscher Reichsanzeiger No. 168 of 21 July 1934)//,
3. the Control Agency for Wool and other animal Hair, with its seat at Berlin/ Decree on Wool and other animal Hair of 26 March 1934 (Deutscher Reichsanzeiger No. 73 of 27 March 1934)//,
4. the Control Agency for Cotton, with its seat at Bremen/ Decree on Cotton of 26 March 1934 (Deutscher Reichsanzeiger No. 73 of 27 March 1934)//,
5. the Control Agency for Cotton Yarn and Fabric, with its seat at Berlin/ Decree on Cotton Yarn and Fabric of 17 August 1934 (Deutscher Reichsanzeiger No. 194 of 21 August 1934)//,
6. the Control Agency for Bast Fibers, with its seat at Berlin/ Decree on Bast Fibers of 26 March 1934 (Deutscher Reichsanzeiger No. 73 of 27 March 1934)//,
7. the Control Agency for Pelts and Skins, with its seat at Berlin/ Decree on Pelts and Skins of 9 April 1934 (Deutscher Reichsanzeiger No. 83 of 10 April 1934)/

- future designation: Control Agency for the
Leather Trade -

8. The Control Agency for Rubber and Asbestos, with its seat at Berlin / Decree on Rubber of 9 May 1934 (Deutscher Reichsanzeiger No. 108 of 11 May 1934), Decree on Asbestos of 27 August 1934 (Deutscher Reichsanzeiger No. 201 of 29 August 1934)//,
9. the Control Agency for Scott, with its seat at Berlin/ Decree on Scott of 17 August 1934 (Deutscher Reichsanzeiger No. 195 of 22 August 1934)//,
10. the Control Agency for non-precious metals, with its seat at Berlin / Decree on non-precious metals of 26 March 1934 (Deutscher Reichsanzeiger No. 73 of 27 March 1934)//,
11. the Control Agency for Iron and Steel, with its seat at Berlin / Decree on Iron and Steel of 13 August 1934 (Deutscher Reichsanzeiger No. 188 of 14 August 1934)/.

(2) The provisions of the decrees on the traffic in goods of 4 September 1934 (ROBl. I, p. 816) are applicable to them.

(3) The regulations issued by the existing control offices remain in force. Their fields of activity will be newly marked off through special announcements.

Article 3

Upon the control offices named in articles 1 and 2 the powers resulting from the decree on the traffic in goods of 4 September 1934 (ROBl. I, p. 816) will be conferred for their respective fields of activity.

Article 4

Each of the control offices named in articles 1 and 2 will be headed by a Reich Commissioner. He will be assisted by a Council.

Document No. Wt.R. 63
Exh. No.

Article 5

This decree becomes effective the day after it has been promulgated.
Berlin, 4 September 1934.

Acting Reich Minister for Economics;

Dr. Hjalmar S c h a c h t,
President of the Reich Bank Direktorium.

The Reich Minister for Nutrition and Agriculture
Deputizing for the State Secretary: Moritz.

Certificate

I hereby certify that the above document consisting of three pages, is
a true and correct copy of the above-named Deutscher Reichsanzeiger
published at Berlin.

Frankfurt-on-the-Main, 20 January 1948

(Signature) Muenzel
(Dr. Juris Hermann Muenzel)
Assistant defense counsel
Military Tribunal USA Nurnberg, Deutschland
Case Number 6
Tribunal No. VI.

"End"

CERTIFICATE OF TRANSLATION

I, A. Ehrmann ETO 20 116, hereby certify that I am a duly appointed
translator for the German and English languages and that the above is
a true and correct translation of the document No. 63.

10 February 1948

A. Ehrmann
ETO No. 20 116

REICHSGESETZBLATT

Part I

1935	Issued at Berlin, 15 November 1935	No. 126
Date	Subject	Page
5 November 1935	Law concerning the Export and Import of War Materials	1337
.		

Law concerning the Export and Import of War Materials
Of 5 November 1935

The Reich Government has enacted the following law which is hereby promulgated:

Article 1

The export and import of war materials (weapons, ammunition and other war implements) is permitted only under special license which is being issued by the Reich Commissioner for Export and Import Licenses, in agreement with the Reich War Minister.

Article 2

(1) Anyone violating the provisions of Article 1 is punishable with imprisonment up to one year, or arrest, or with a fine.

(2) In addition, the sentence may include confiscation of the war material, even though it does not belong to the principal or to the participant.

(3) Where penal proceedings cannot be instituted against a certain party which would result in his conviction, confiscation may be carried out independently thereof if the prerequisites for such action have been met.

Berlin, 5 November 1935.

The Führer and Reich Chancellor
Adolf Hitler

The Reich War Minister and Commander-in-Chief of the Wehrmacht
von Blomberg

The Reich Minister of Foreign Affairs
By order
von Bülow

The Acting Reich Minister of Economics
Dr. Hjalmar Schacht
President of the Reichsbank Directorate

Document W.R. No. 64
Exh. No.

Certificate of Translation.

I, G. Leisner, ETO 20 123, hereby certify that I am a duly appointed translator for the German and English languages and that the above is true and correct translation of the document W.R. No. 64.

Munich, 9 February 1948.

G. Leisner,
ETO 20 123

REICHSGESETZBLATT

Part I

1937 Issued at Berlin, 13 July 1937 No. 80

Date	Subject	Page
28 June 1937	Decree for the Amendment of the Commodity Exchange Decree	701

Decree for the Amendment of the Commodity Exchange Decree, of 28 June 1937.

Pursuant to Article 19 of the Commodity Exchange Decree of 4 September 1934 (RGBl., I, page 816), the following is hereby decreed:

Article 1

Article 10 of the Commodity Exchange Decree is herewith revised as follows.

*Article 10

Informational Obligation.

(1) The Reich Control Office is an official office entitled to informational reports as defined in the Decree concerning the obligation to give information, of 13 July 1923 (RGBl., I, page 723). It may order the personal appearance of a person required to give information.

(2) In addition, the Reich Control Office may request anybody to give information concerning economic conditions and - insofar as it is competent for foreign exchange matters in accordance with article 3 (RGBl., I, page 105) - it may also demand information pertaining to business transactions and matters prohibited under this law or under anyone of the executory decrees or which are subject to legal limitations. In this connection it may also demand that ledgers and other vouchers be submitted to it.

Article 2

(1) Article 12, para. 1 of the Commodity Exchange Decree shall be revised as follows:

“(1) Imprisonment or a fine of unlimited amount or both shall be the punishment for anyone who
1) intentionally or negligently violates an order issued by the Reich Minister of Economics by virtue of this decree or pursuant to an order issued for its execution and supplementation;

2. who intentionally or negligently violates the order of a Reich Control Office, insofar as the order in itself or an amendment thereto contains reference to the penal provisions of this decree.
3. who makes materially incomplete or incorrect statements or uses such statements to obtain for himself or another a license, permit, trading consent, or other certificate which may be granted by the Reich Minister of Economics or a Reich Control Office pursuant to this decree, or to orders issued for its execution and supplementation or pursuant to an administrative order.

(2) The following regulations will be added as para. 3 to Article 1a:

"(3) Instructions, issued by the Reich Minister of Economics, or by anyone of the Reich Control Offices, have the same effect as the regulations under sub-paragraph 1 and 2.

Article 2

752

This Decree shall become effective on 15 July 1937.

Berlin, 28 June 1937.

The Acting Reich Minister of Economics
Dr. Ejalzer Schacht

President of the Reichsbank Directorate

The Reich Minister for Food and Agriculture
By order
Willkens

The Reich Chief of Forestry
By order
von Kottell

CERTIFICATE OF TRANSLATION

I, G. Lanener, 120 20 123, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt. 9. No. 55.

Dresden, 9 February 1948.

G. Lanener
120 20 123

REICHSGESETZBLATT

Part I

 1939 Issued at Berlin, 28 March 1939 No. 58

Date Subject Page

25. March 1939 Export-Import Embargo Law 578

 Export-Import Embargo Law
 of 25 March 1939

578

The Reich Government has decreed the following law which is
 hereby promulgated:

Article 1

The Reich Minister of Economics is authorized to prohibit
 the export and import of goods across the frontiers of the Ger-
 man Reich and to permit such exportation or importation subject
 to a license.

Article 3

578

579

The Reich Minister of Economics shall designate or establish
 the authorities with jurisdiction over the issuance of import
 and export permits, shall determine their powers and shall issue
 regulations regarding the collection and prorating of fees.

Article 4

(1) Exports and imports in violation of the embargo are sub-
 ject to the penal provisions and procedure of the Reich Tax Code
 relating to breach of the ban.

(2) Other violations of the provisions of this law or of or-
 ders issued for its administration shall be subject to penalties
 and disciplinary fines provided by the Reich Minister of Economics
 with the approval of the Reich Minister of Justice, or existing
 regulations declared to be applicable.

Article 5

The Reich Minister of Economics shall issue the necessary
 legal and administrative regulations to enforce and supplement
 this law.

.

Berlin, 25 March 1939.

The Fuehrer and Reich Chancellor
Adolf Hitler

The Reich Minister of Economics
Walther Funk

The Reich Minister of Finance
Graf Schwerin von Krosigk

For The Reich Minister for Food and Agriculture
H. Backe

For the Reich Forester
Alpers

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First Executive Decree to the Export-Import
Embargo Law, of 27 March 1939.

Pursuant to Article 5 of the Export-Import Embargo Law of
25 March 1939 (RGBl. I, page 376), the following is hereby order-
ed:

Article 1

The boundaries of the German Reich in Article 1 of the Law
shall be the boundaries of the German customs districts.

Article 2

(1) Export and import under the law is the process on the
basis of which arises a conditional or unconditional obligation
to pay duties ...

Article 4

An announcement shall be made in the German Reichsanzeiger
and Prussian Staatsanzeiger of the specific commodities that can
be imported or exported only under license, including changes and
additions.

Article 5

(1) The offices authorized to grant licenses shall be desig-
nated in the announcement to be made pursuant to Article 4.

(2) Authorization, shall, as far as possible, be given to
already existing offices.

(3) Where control offices are competent, the provisions of the Commodity Exchange Decree of 4 September 1934 (RGBl. I, page 816), as amended 28 June 1937 (RGBl. I, page 761), shall respectively apply.

590

Article 6

(1) The official contact with the authorized authorities under Article 5 by the Reich Minister of Economics shall be through the Reichs-Kommissar for Export and Import Licenses, who shall be appointed by the Minister.

Article 9

This Decree is to take effect on 1 April 1939

Berlin, 27 March 1939.

The Reich Minister of Economics
Walther Funk

The Reich Minister of Finance
Graf Schwerin von Krosigk

For the Reich Minister for Food and Agriculture
H. Backe

For the Reich Forester
Alpers

REICHSGESETZBLATT

Part I

1939 Issued at Berlin, 31 March 1939 No. 61

Date	Subject	Page
31 March 1939	Law concerning Statistical Data on the Exchange of Commodities with Foreign Countries (Foreign Trade Statistics - HStatG -)	645

Law concerning Statistical Data on the Exchange of Commodities with Foreign Countries (Foreign Trade Statistics - HStatG -) Of 31 March 1939.

The Reich Government has enacted the following law which is hereby promulgated:

SECTION I

Procedure in Compiling Statistics

Article 1

Subject of the Statistical Data

(1) The exchange of commodities across the borders of the German economic territory shall be duly reported for statistical purpose regarding foreign trade. Commodities in the meaning of this law are all movable goods.

647

SECTION II

Statistical Duty

Article 11

(1) Statistical duties shall be paid to the account of the Reich for commodities subject to a written report.

SECTION III

Compulsory Regulations and Penal Provisions

Article 15

Penal Provisions

647

648

Anyone who violates the provisions of this law or the orders issued by virtue of it for its execution and supplementation shall -

unless they constitute violations as defined in the provisions for tax defraudations, for acts rendering tax collection questionable or for tax evasions (Article 11, para. 4) - shall be subject to a disciplinary fine up to the sum of RM 1,000.-; the regulations of the Third Part of the Reich Tax Law shall apply accordingly

Article 19

(1) This law shall become effective on 1 April 1939.

Berlin, 31 March 1939.

The Fuehrer and Reich Chancellor
Adolf Hitler

The Reich Minister of Economics
Walther Funk

The Reich Finance Minister
Graf Schwerin von Krosigk

CERTIFICATE OF TRANSLATION

I, G. Leuener, ETO 20 123, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt. 2, No. 67.

Munich, 9 February 1948.

G. Leuener
ETO 20 123

VERORDNUNGEN

Part I

1939	Issued at Berlin, 21 August 1939	No. 144
Date	Subject	Page
18 August 1939	Second Supplementary Decree to the Commodity Exchange Decree	1429
18 August 1939	Promulgation of the new version of the Commodity Exchange Decree	1430

Second Supplementary Decree of the
Commodity Exchange Decree of 18 August 1939.

Pursuant to Article 19 of the Commodity Exchange Decree of
4 September 1934 (RGBl. I, page 616) in the wording of the Decree
of 28 June 1937 (RGBl. I, page 701) the following is decreed:

Article 1

(1) Article 3, para. 1, of the Commodity Exchange Decree will
be changed and worded as follows:

"(1) The Reich Minister of Economics may delegate his
powers derived from Articles 1 and 2 wholly or in part.
He may establish special Reich Control Offices for the
control and regulation of the commodity exchange.

Article 3

Article 10 of the Commodity Exchange Decree will be changed
and worded as follows:

Article 10

Reporting requirements

(1) The Reich Control Office is an official bureau of reports
as defined in the Reports Decree of 13 July 1935 (RGBl. I, page
753). It may order the personal appearance of a person required
to give information and demand that commodities and other objects,
especially patterns and samples be sent or submitted to and re-
ceptacles opened for inspection of the Reich Control Office or its
representatives. The penal provisions (Art. 6) of the Decree re-
lating to the reporting requirements are to be applied mutatis
mutandis; in case the reporting requirements are violated the pro-
visions of Article 13, para. 3 to 5, and of Articles 14 to 15 will
be applied accordingly.

(2) The Reich Control Office may moreover demand informations on economic conditions from everybody and - as far as it is concerned with the carrying out of the foreign exchange control - it may demand from everybody informations relating directly or indirectly to circumstances or transactions and acts which are important with respect to foreign exchange, which are prohibited or restricted by foreign exchange regulations. Upon demand of the Reich Control Office or its representatives books and vouchers or other documents are to be submitted.

Article 6

1429

The Reich Minister of Economics is authorized to promulgate anew the Commodity Exchange Decree in its present version.
Berlin, 18 August 1939.

For The Reich Minister of Economics
Dr. Landfried

The Reich Minister of Food and Agriculture
Dr. Walter

For The Reich Forester
Alpers

Promulgation of the new version of the Foreign
Exchange Decree of 18 August 1939.

Pursuant to Section 6 of the Second Supplementary Decree to the Commodity Exchange Decree of 18 August 1939 (RGBl. I, page 1439) the Decree on the Commodity Exchange of 4 September 1938 (RGBl. I, page 816) is promulgated anew in its present valid form.

Berlin, 18 August 1939.

For The Reich Minister of Economics
Dr. Landfried

Decree on the Commodity Exchange is the version of
18 August 1939.

CERTIFICATE OF TRANSLATION

I, Fred Lax, X 046 207, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt.R. No. 66

Dresden, 6 February 1940.

Fred Lax
X 046 207.

REICHSGESSETZBLATT

Part I

1939	Issued at Berlin, 30 November 1939	No. 238
Date	Subject	Page
25 November 1939	Decree Supplementing penal Provisions for the Protection of the Armed Forces of the German people.	2319

Decree Supplementing penal Provisions for the Protection of the Armed Forces of the German people of 25 November 1939

The Ministerial Council for the Reich Defense decrees with effect of law:

Article 1

Damage to War Material.

(1) Whoever intentionally destroys, renders unserviceable, damages, abandons or removes military equipment or installations intended for the defense of German territory, and thereby endangers intentionally or through negligence, the fighting power of the German Armed Forces, shall be punished by imprisonment for not less than six months. In especially serious cases the death penalty, hard labor for life, or hard labor for a period shall be imposed.

(2) A like punishment shall be inflicted upon a person who intentionally manufactures or delivers in a defective manner defense equipment or military installations or intentionally fixes a defective production or delivery thereof, and thereby intentionally or through negligence endangers the fighting power of the German armed forces.

(3) The attempt is also punishable.

(4) Whoever acts wantonly and thereby endangers through negligence the fighting power of the German Armed Forces shall be punished by imprisonment.

.

Article 2

Disturbance of an Essential Enterprise

(1) Whoever disturbs or impairs the ordinary function of an enterprise essential to the defense of the Reich or to the supply of the population in that he sets an object serving the enterprise completely or partially unusable or put it out of commission,

shall be punished by hard labor or in especially serious cases by death.

(2) In less serious cases the penalty will be imprisonment.

Berlin, 25 November 1939

The Chairman of the Ministerial Council for the Reich
Defense
G o e r i n g
General Field Marshal

For Th e Plenipotentiary General for the Reich Defense
H. Himmler

The Reich Minister and Chief of the Reich Chancellery
Dr. Lohmeier

.

REICHSGESETZBLATT

Part I

1941 Issued at Berlin, 4 November 1941 No. 134

Date	Subject	Page
30 October 1941	Third Decree supplementing the Commodity Exchange Decree	679

Third Decree supplementing the Commodity Exchange Decree of 30 October 1941

Pursuant to Article 19 of the Decree relating to the Commodity Exchange in the wording of 18 August 1939 (RGBl. I, page 1430) the following is decreed:

Article 1 of the decree will be amended and worded as follows:

Article 1

The Reich Minister for Economics will be authorized to control and to regulate the exchange of commodities, especially to issue directives for their procurement, distribution, storage, sale, use and manufacture.

Berlin, 30 October 1941.

The Reich Minister of Economics
For the State Secretary
von Hennken

The Reich Minister of Food and Agriculture
By order: Horitz

The Reich Forester
For the State Secretary
Parchmann.

CERTIFICATE OF TRANSLATION

I, Fred Lax, A 046 207, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document No. 70.

Munich, 5 February 1945.

Fred Lax
A 046 207.

REICHSGESETZBLATT

Part I

1943	Issued at Berlin, 28 October 1943	No. 108
Date	Subject	Page
15 October 1943	Decree concerning the Supply of Vital Commodities	607
	

Decree concerning the Supply of Vital Commodities
Of 15 October 1943.

Special measures are required in view of the necessity to provide the entire population, particularly the fellow citizens who have suffered damages from air raids, with an adequate supply of those industrial commodities, which are indispensable to maintain a standard of living in conformity with war conditions. Therefore, the production of consumers' goods must be limited exclusively to the production of vital commodities and their supply must be assured.

Pursuant to the Commodity Exchange Decree of 19 August 1939 (RGBl., I, page 1430), in the revised formulation of the decree of 30 October 1941 (RGBl., I, page 579), the following is, therefore, decreed:

Article 1

The Reich Minister of Economics shall take the required measures to assure the supply of vital industrial commodities and their just distribution. These measures shall be carried out under the designation "War Requirements Program" (Kriegsaufbauprogramm).

Article 2

(1) The Reich Minister of Economics, in concurrence with the Reich Minister for Armaments and Ammunition, shall designate the commodities to be included in the "War Requirements Program".

(2) To implement the War Requirements Program the industrial enterprises and plants may be required to produce, supply and order certain goods in accordance with type, quantity and quality requirements and production of non-vital commodities may be prohibited.

(3) The placing of orders by and the acceptance of orders from municipal consumers and other large consumers for commodities included in the War Requirements Program - as well as their delivery - is dependent on the approval of the Reich Minister of Economics or the agencies designated by him, insofar as the Reich Minister of Economics has provided for this by the way of decree.

The same restrictions may be placed on the delivery of such goods to be made on the basis of an existing contract.

...

608

Article 4

Violations of the regulations of this decree or of the orders issued for its execution and supplementation shall be liable to the penal regulations prescribed in the Articles 10, 12 and 15 of the Commodity Exchange Law.

Berlin, 16 October 1943.

The Reich Minister of Economics
Welther Funk

The Reich Minister for Armament and Ammunition
Speer

...

CERTIFICATE OF TRANSLATION

I, G. Lauerer, ETO 20 123, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt. R. No. 71

Munich, 2 February 1946.

G. Lauerer,
ETO 20 123

REICHSGESETZBLATT

Part I

1942 Issued at Berlin, 15 December 1942 No. 124

Date	Subject	Page
11 December 1942	Fourth Decree for the Amendment of the Commodity Exchange Decree	684

Fourth Decree for the Amendment of the
Commodity Exchange Decree.
Of 11 December 1942

Pursuant to Article 19 of the Commodity Exchange Decree of
18 August 1939 (RGBl. I, page 1430) as revised by the decree of
30 October 1941 (RGBl. I, page 679), the following is hereby de-
creed:

Article 1

The Articles 3 to 5 of the decree shall be amended and revis-
ed as follows:

Article 3

(1) The Reich Minister of Economics may delegate his authori-
ties under Articles 1 and 2 wholly or in part. He may appoint
Reich Commissioners for the supervision and the regulation of the
exchange of commodities, may establish Reich Control Offices, or
designate other agencies which shall have the competencies of a
control office or whose chiefs shall be invested with the powers
of a Reich Commissioner.

(2) The Reich Commissioners and the Reich Control Offices are
empowered - with the concurrence of the Reich Minister of Economics -
to transfer the independent handling of these tasks to other agen-
cies or persons under their supervision (sub-control offices - Be-
wirtschaftungsstellen). The scope of the tasks and authorities
of the sub-control offices shall be established by an administra-
tive order.

Reich Commissioners

Article 4

(1) The Reich Commissioner shall be appointed by the Reich
Minister of Economics and a specified economic sector shall be
assigned to him as coming under his competency (Scope of Control).

(2) The Reich Commissioner is subject to the orders of the Reich Minister of Economics.

* * * *

685

Article 6

The Reich Minister of Economics is herewith empowered to promulgate the decree in its revised formulation.

* * * *

Berlin, 11 December 1942.

The Reich Minister of Economics
Walther Funk

The Acting Reich Minister for Food and Agriculture
H. Bocke

The Reich Chief of Forestry
By order
Alpers

* * * *

Promulgation of the Revised Formulation of the Commodity
Exchange Decree
Of 11 December 1942.

Pursuant to Article 6 of the Fourth Decree for the Amendment of the Commodity Exchange Decree of 11 December 1942 (RGBl. I, page 884), the following is the newly revised formulation of the Commodity Exchange Decree, which is herewith promulgated.

Berlin, 11 December 1942.

The Reich Minister of Economics
Walther Funk

686

Commodity Exchange Decree in the Revised Formulation of 11 December 1942.

* * * *

CERTIFICATE OF TRANSLATION.

I, G. Laueher, ETO 20 123, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt. R. No. 72.

Bremen, 9 February 1948.

G. Laueher,
ETO 20 123

VI. Group of Documents, concerning

Government Control of the
Building Sector.

Copy

The Building Ordinances

of the German Reich and Prussia

Reich Construction Law

and Construction Law of the State of Prussia.

Loose file collection of all
pertinent Laws, Decrees, Ministerial Decrees and Direc-
tives

With comments, references and an subject index

by

GEORG HAYDER

Ministerialdirigent in the Prussian Ministry of Finance

Third edition, as of February 1943

G.E. Beck, Publishing Office

Munich and Berlin 1943

.....
Saving of Building Materials, II A 25, 26

II A 25, Decree concerning Building Ordinances for Saving
of Building Materials.
Of 30 June 1937/15 August 1938
RGZL. I, page 720/1425

The construction or renovation of buildings has to be adapted to the requirements of the raw material and labor situation. Pursuant to the Law concerning temporary Measures regarding the German Settlement of 3 July 1934 (RGZL. I, page 563) the following ordinance is issued in agreement with the Minister President Generaloberst Goering, the Plenipotentiary for the Four Year's Plan:

1.) The police, for reasons regarding the raw material situation, can deny the permits, especially for new constructions, alterations and additional buildings or can make them dependent on conditions. Upon request of the locally competent Labor Office this can also happen for reasons of the labor allocation.

2) Decisions based on this decree are final.

The Reich Minister of Labor.

II A 26. Saving of Building Materials.

Circular Decree of the Prussian Finance Minister of 6 February 1940. - Construction 2000/24.1. - Bulletin of the Building Authority p. 114

(For the remaining territory of the Reich, the decree of the Reich Ministry of Labor of 24 January 1940 IV a 9, 1512 c 293/40 has to be applied accordingly.)

The changed conditions in the construction material situation which demand a far reaching saving of material have caused the Reich Minister of Labor to revise the directives which have been issued up to now with regard to the Decree concerning Building Ordinances for Saving of Building Materials of 30 June 1937/ 15 August 1938 (RGZL. I, page 720/1425 and also the leaflet concerning the use of wood in the construction above ground and to condense them into the attached directives of 24 January 1940

II A 25 Saving of Building Materials.

I repeal the ordinances

a) of 16 July 1937 - construction 2000/39.6. - incl. the directives issued at this time with regard to the saving of building materials

b) of 20 August 1937¹ - construction 2000/39.7. including the appendix to the directives issued then,

c) of 21 September 1938 - construction 2002/27.8a - section 3 including the attached leaflet concerning the use of wood in constructions above ground, and decree the following with regard to the application of the attached directives concerning the procedure to obtain the building permit.

It is the task of the agencies issuing building permits to examine in future the building applications whether building materials in short supply can be exchanged for others and whether the non-exchangeable building materials are used economically.

85

Saving of building materials
II A 27

II A 27 Directives of the Reich Minister of Labor concerning Building Ordinances for the Saving of Building Materials.

Of 24 January 1940 - Bulletin of the Building Authority 5. p.115

A. Building Materials and Styles of Architecture (In General):

1) When selecting building materials and styles of architecture, the general and local building material situation has to be taken into consideration. In addition to the selection of building materials and styles of architecture, the transportation conditions are to be considered. The measures concerning the saving are to be carried out, even if one has to put up with an increase in the expenses of building if they do not run counter to social considerations for instance as it would be the case with the construction of small people's flats, small holdings, houses for farm workers and for constructions for the re-establishment of the German countryside. All conditions have to be adjusted to the individual construction case.

2. Especially steel, iron and wood are to be saved.

.....

55. Reference is made to the following regulations and standardization forms:

Regulations issued by the Reich Office for Iron and Steel:

No. 21 of 31 December 1936 concerning Restrictions on the Use of stainless Steels (German National Gazette No. 304)

No. 27a of 21 November 1936 concerning Restrictions on the Use of Iron, Steel and Iron Concrete Drainage (German National Gazette No. 271 - Bulletin of the Building Authority 1936 page 1475)

copy.

No. 30 of 16 December 1937 concerning the Ban on the Production/the Use of certain Objects made of Iron and Steel (German National Gazette No. 291 - Bulletin of the Building Authority 1937, page 1516/15)

No. 30 of 16 May 1938 Notice regarding the Reduction concerning Restrictions (German National Gazette No. 112 - Bulletin of the Building Authority 1938, page 630/31)

No. 33 of 16 May 1938 concerning the Ban on the Production and Use of Sanitization Appliances (German National Gazette No. 112 - Bulletin of the Building Authority 1938, page 633)

No. 34 of 23 May 1938 concerning the Ban on the Production of certain Objects of galvanized Iron and Steel (German National Gazette No. 118 - Bulletin of the Building Authority 1938, p. 632)

No. 40 of 30 March 1939 concerning Restrictions on the Use of Iron and Steel for the Production of Feet and Foundations of Tests. (German National Gazette No. 76)

II A 27 Saving of Building Material

Directives of the Reich Agency for Metals:

No. 33a of 5 September 1939 concerning the Ban on the Use of Copper, Nickel, Chromium, Cobalt, Lead, Tin, Zinc and their Alloys for Constructions (German National Gazette No. 210 - Bulletin of the Building Authority 1939 page 1065 and following.

No. 47 of 18 September 1939 concerning the Use of Aluminum and Magnesium (German National Gazette No. 225)

Regulations issued by the Reich Agency for the Supply with industrial Gases.

No. 12 of 21 November 1935 concerning the Restrictions in the Composition of Cement and Ban on the Use of Silica Material containing Oil for the painting of certain objects (German National Gazette No. 272 - Bulletin of the Building Authority 1936 page 22/23 and 258).

General Regulations of 13 August 1936 concerning the Restriction in the Production and Use of Lead Colors. (German National Gazette No. 187)

Certificate

I herewith certify and confirm that the above document, consisting of 4 pages, is a correct and true copy of the before mentioned book by "Kaysers: The Building Ordinances, a loose leaf collection" published in Munich and Berlin in 1943. Third edition.
Frankfurt on the Main, 20 Januar 1949

signature : Kunszel

(Dr. Julia Hermann Kunszel)

Assistant Defense Counsel
Military Tribunals USA Euerberg

Case Number 6 Germany

Tribunal No. VI.

CERTIFICATE OF TRANSLATION

I, J. Weinmann, DTC 35 270, hereby certify that I am a duly appointed Translator for the German and English languages and that the above is a true and correct translation of the Document: Wt.H.Nr. 73.

J. WEINMANN.
DTC 35 270

Copyright

Journal of the Building Authority
combined with the "Zeitschrift fuer Bauwesen".

With reports of the Reich and State Authorities

Published by the Prussian Ministry of Finance

Subordinate editors: Dr. Ing. Nann and Dr. Ing. o. E. Gustav Meyer.

Berlin, 4 October 1933

39th edition/July 31/33

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.....

Use of Metals for Building Purposes.

Directive 331 of the Reich Agency for Metals.

Of 5 September 1939.

Pursuant to the Directive regarding the Commodity Exchange in its formulation of 18 August 1939 (RHEI, I page 1139) in connection with the notice concerning the Reich Agencies for the Control and Allocation of Commodity Goods of 18 August 1939 (German L.G. and Prussian State Gazette No. 192 of 21 August 1939) the following ordinance is issued in agreement with the Reich Minister of Economics and with the Reich Agency Chemistry:

Article 1 Scope.

The provisions of this ordinance concern the use of metals for building purposes.

Article 2 Blanket Provisions.

The provisions of this ordinance do not concern the use of metals of June 1939 (German Official Gazette and Prussian State Gazette No. 147 of 29 June 1939), are considered blanket provisions and therefore as part of this ordinance.

Article 3 Ban on Copper, Nickel, Chromium, Cobalt and Other Metals.

Copper, nickel, chromium, cobalt and other metals in any kind and of any execution, also in the form of platings, covers and other coatings are not to be used for the manufacture of building products, resp. for installations and their parts:

a. Construction in general, especially construction above ground.

I. Building accessories and equipment.

- 1.) Roofings, coverings, linings, claddings, platings, claddings, and connections of any kind for instance on walls, ceilings and roofs, doors, window sills, facades, eaves, water-chutes.

Ventilation boxes, ventilation and air conditioning installations, ventilation flaps, chimneys.

Vanes, tops of spires (also figures), tops of flags.
Gargoyles, downspouts (G), drift fences.
Gutters and downspouts including the trunks.

- 2.)

Article 4 Ban on lead and lead alloys.

Lead and lead-alloys of any kind and of any production grade also in the form of platings, covers and other coatings are not to be used anywhere for the manufacturing of the following products, resp. installations and their parts:

... Construction in general.

2. roofing, covering, linings, curbsings, platings, isolations and connections of any kind, ventilation- and air conditioning installations, tanks, foundations, linings, for instance of

- 1) roofs, attic windows, chimneys, airholes, filters, flues, balconies, terraces, basements.

.....

B. The irrigation - and drainage installations, as well as installations for gas - supply for residential use.

I. Pipe-lines.

.....

III. Sanitary installations.

1. Sinks for .C./s and their installations including supply pipes.
2. Pipes to prevent the overflowing of water from bathing tubs.

.....

Article 5 Ban on tin and tin alloys.

A. Tin and tin alloys of any kind and of any production grade also in the form of platings, covers and other coatings are not to be used anywhere for the manufacturing of the following products, resp. installations and their parts:

I. Construction in general.

- II. Pipe-lines.
Pipe-lines including all connecting tubes and supply pipes
for drinking and industrial water supplies.

.

Article 5. Ban on zinc and zinc alloys.

- a. Zinc and zinc alloys are not to be used anywhere as only material
or as wire for the following products resp. constructions and
their parts:
1. Roofings, coverings, linings of wall-, ceiling- and roof
surfaces of any kind.

.

Article 7. Ban on cadmium and cadmium alloys.

Cadmium and cadmium alloys in any form and of any production grade,
also in form of platings, coverings and other coatings, must not be
used anywhere in the building industry.

Article 8. Ban on mercury in chemical coatings.

Impregnation coats containing mercury are not to be used anywhere for
the impregnation of wood.

.

Article 10. Penalties provisions.

Whoever violates the provisions of this ordinance will be punished
according to Articles 11, 12 and 13 of this Ordinance concerning the
Commodity Exchange.

Article 11. The effective date.

This ordinance comes into force on 21 September 1935. It is also
applicable for the Reich and the Reichsgau Danzig-West.

At the same time the ordinance 38, concerning the use of (base)
metals in the building industry, of 23 October 1935 (German National
 Gazette

and Prussian State Gazette No. 255 of 31 October 1935 became in-effective.

As of the same date the provisions of the Ordinance 40, concerning the Mining Laws of (b)se) Metals, especially workings of nickel, uranium and cobalt of 19 November 1936 (German National Gazette and Prussian State Gazette No. 274 of 24 November 1936) and the provisions of Section I of the Ordinance 42 concerning workings of zinc and zinc alloys, as well as workings of Tin and Cadmium for refinements of 9 May 1938 (German National Gazette and Prussian State Gazette No. 128 of 11 May 1938) are not to be applied anywhere with regard to products and production purposes which are referred to in this Ordinance 38b.

The Local Commissioner for Metals

CERTIFICATE

I herewith certify and confirm that the above document consisting of 5 pages, represents a true and correct copy of the German language journal "Centralblatt für Überwachung", printed and published in Berlin.

Frankfurt on the Main, 20 January 1948

(signature): _____

(Dr. Juris Hermann Schmidt)

Assistant Minister General
Military Tribunal US. Warburg
Case number 5 Germany
Tribunal No. VI.

CERTIFICATE OF TRANSLATION

I, J. Schmidt, No. 35270, hereby certify that I am fully appointed translator for the German and English languages and that the above is a true and correct translation of the document T.S. No. 74.

Warburg, 21 January 1948

J. Schmidt
No. 35270

VII. Group of Documents, concerning

The Anti-Capitalistic Result of the
Last Oppression of Free Industry.

Document 76.3. No. 75
Ch. No.

JOSEF TIMOTHY

ARVED BOOTHBY

1960

REPRODUCED FROM THE /

Document No. 75

Design and Layout: Gino Driessen

5. - 10. Museum

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The controlled employer

The lawry allowed the employer from 1913-1939

	1913	1939
The fixation of wages	free	fixed
Establishing of prices	free	fixed
Membership in organizations	partly free	forced membership in organizations
Kartellization	free	often forced Kartellized forced jointing
Investments	free	controlled
Construction	free	building license and allotment of plots approval of plans
Obtaining of credit on the free market	free	free
Investment of capital	free	locally controlled. Blocking of export of capital
Establishment of interest	free	fixed
Purchase of raw materials and stockpiling	free	fixed
Export	free	under foreign exchange control
Import	free	controlled
Distribution of profit	free	influence of the joint stock company law
Organization of the enterprise	free	free
Fixing of profit / of depreciation	free	control of depreciation by tax and price policies
Drawing up of balance sheets	free	controlled
Selection and payment of the leadership of the enterprise	free	free
Competition	free	fixed. Above all in food economy
Advertising	free	controlled
Research and production of new materials	free	partly controlled
Legal structure of economy	free	partly controlled

.....

The change of enterprise.

..... 2 charts concerning the drug industry may show today's proportion of taxes (partial share of the public in employer's profit) and dividends (profit of the capitalist)

Verbindliche Aufstellungen		.....		Mensch	
in Millionen RM	1928/29	1937/38	.....	1928/29	1937/38
taxes	52	150	.....	6	18
.....
dividends	23	20	.....	11	0,5

We can see the rank of others is changed. This development becomes still clearer if expressed in percentages:

Change in percentages	1937/38	compared with 1928/29
Verbindliche Aufstellungen	.....	Mensch
taxes	+ 188 %	..... + 150 %
.....
dividends or net profit	- 65 %	..... - 65 %

Certificate.

I hereby certify that the above document, consisting of 1 page, is a true copy of Winckler's book "Arznei-Wirtschaft", cited above, published in Berlin in 1940.

At Wiesbaden, 20 January 1948.

(signed) Hugo J.
(Dr. juris Hermann Ransel)

Assistant defense counsel
Military Tribunal USA Wiesbaden,
Germany,
Case No. 1
Prisoner No. 41.

CERTIFICATE OF TRANSLATION.

I, E. Göttinger, A-44 339, hereby certify that I am a duly qualified translator for the German and English languages and that the above is a true and correct translation of the document t.R. No. 75.

Wiesbaden, 10 February 1948.

E. Göttinger, A-44 339.

RESOLUTIONS OF THE LEGISLATIVE

Part I

1934 Issued at Berlin, 24 October 1934 No. 119

Date Content Page

13 October 1934 Corporation Tax Law (1934) 1031

.....

Corporation Tax Law
(1934) 1031

of 13 October 1934

.....

The Reich Government has enacted the following law which is hereby
enacted:

1. Law No. 119

Article 1

Unlimited Corporation Tax Liability

(1) The following corporations, personal associations and estates
having their principal or sole office in Germany are subject to an
unlimited corporation tax liability:

I. Capital companies (joint stock companies,
.....

(2) The unlimited corporation tax liability extends to all income

.....

II. Income 1032

1. General

Article 2

(1) The corporation tax shall be based on the income received by the
tax payer during a calendar year.

.....

Article 19

Tax rate.

- (1) The corporation tax amounts to 20% of the income

.....

Article 20

Date of validity

- (1) The regulation shall apply for the first time to the assessment for the corporation tax for the calendar year 1934.

.....

Berlin, 11 October 1934.

The Reich Minister of Finance
Dr. Brüning

The Reich Minister of Finance
Dr. Brüning

.....

CERTIFICATE OF TRANSLATION.

I, J. G. G. G., A 446 339, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the Document No. 75.

J. G. G. G., A 446 339.

Berlin, 10 February 1935.

REICHSGESETZBLATT

Part I

1936	Issued at Berlin, 27 August 1936	No. 79
Date	Subject	page
27 August 1936	Law Relating to the Revision of the Corporation Tax	701

Law Relating to the Revision of the Corporation Tax of 27 August 1936

The Reich Government has enacted the following law which is hereby promulgated:

SECTION I

Change of the Tax Rate

Article 19 of the Corporation Tax Law of 15 October 1924 (RGBl. I, page 1031) is changed as follows:

- (1) In para. 1 the words "30 per cent" are substituted for "20 per cent".

SECTION II

Special Provision for 1936

In the assessment for the calendar year 1936 the Corporation Tax - in deviation from Art. 1 - amounts to:

- (1) 35 per cent in the cases of Art. 19, para. 1 of the Corporation Tax Law

SECTION V

Effective Date

The law shall apply for the first time to the advance payments and the assessments for the calendar year 1936.

Berchtesgaden, 27 August 1936.

The Fuehrer and Reich Chancellor
Adolf Hitler

The Reich Minister of Finance
Graf Schwerin von Krosigk

REICHSGESETZBLATT

Part I

1938	Issued at Berlin, 29 July 1938	No. 115
Date	Subject	Page
25 July 1938	Law relating to the increase of the Corporation Tax Law for the years 1938 to 1940 *	903

Law relating to the increase of the Corporation Tax Law for the years 1938 to 1940 *) of 25 July 1938

The Reich Government has enacted the following Law which is hereby promulgated:

Article 1

The corporation tax will be increased for corporations (Art. 1 of the corporation tax law of 14 October 1934, RGBl. I, page 1031) with an income of more than 100,000 Reichsmarks:

- (1) In cases where, according to the present law, it amounts to 30 %
to 35 per cent for the calendar year 1939
to 40 " " " " " " " 1939 and 1940.
- (2) In cases where, according to present law, it amounts to 15 %
to 17,5 per cent for the calendar year 1939
to 20 " " " " " " " 1939 and 1940.

Article 2

The advance payments which will become due between 15 October 1938 and the receipt of the corporation tax bill for 1938 are increased by one third.

Seventeenth, 25 July 1938

The Führer and Reich Chancellor
Adolf Hitler

For the Reich Minister of Finance
Reinhardt

*) Does not apply to Austria.

Certificate of Translation.

I, Fred Lax, X 046 207, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the documents W.F. No. 77 and 78 (pages 43 and 49).

Stuttgart, 6 February 1943.

Fred Lax
X 046 207

REICHSGESETZBLATT

Part I

1941	Issued at Berlin, 15 January 1941	No. 6
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31 December 1941	Decree relating to the Extension of the Validity of the Law for the Increase of the Corporation Tax for the years 1938 to 1940	25

25

Decree relation to the Extension of the Validity of the Law for the Increase of the Corporation Tax for the years 1938 to 1940 of 31 December 1940.

The Ministerial Council for the Reich Defense decrees with effect of law.

The Law for the Increase of the Corporation Tax in the years 1939 to 1940 of 25 July 1938 (RGBl. I, page 932) is to be applied, until further notice, also to the last assessment periods.

Berlin, 31 December 1940.

The Chairman of the Ministerial Council for the Reich Defense
G o e b b e s
Reichsmarschall

The Reich Minister and Chief of the Reich Chancellery
Dr. Lohme

CERTIFICATE OF TRANSLATION

I, Fred Lax, X 046 207, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Wt.R. No. 79

Munich, 6 February 1948.

Fred Lax
X 046 207

REICHSGESETZBLATT

Part I

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Decree Relating to the Revision of Tax
Laws (Tax Revision Decree), of 20 August 1941

The Ministerial Council for Reich Defense decrees with effect of
law:

SECTION I

Imposition of a War Surcharge on the Corporation Tax

Article 1

(1) The Reich imposes a War Surcharge on the Corporation Tax.

(2) Companies subject to an unlimited corporation tax with
an income not in excess of RM. 50,000. are exempt from the war
surcharge to the corporation tax.

Article 2

The war surcharge to the corporation tax amounts to 25% of
the corporation tax. For the tax period 1941, 50% of it is
to be paid.

. 11

SECTION VI

Effective Date and Territory of Validity

Article 7

(1) The provisions of Section I, II and III of this decree
shall apply for the first time to the tax period 1941.

(2) This decree is effective also in the incorporated Eastern
Territories.

Berlin, 20 August 1941

The Chairman of the Ministerial Council for
the Reich Defense
G e o r g
Reichsmarschall

- page 17 of the original, cont'd -

The Plenipotentiary General for the Economy
Walther Funk

The Reich Minister and Chief of the Reich Chancellery
Dr. Lammers.

CERTIFICATE OF TRANSLATION.

I, Fred Lenz, X 046 307, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document W.S. No. 80.

Munich, 6 February 1948.

Fred Lenz
X 046 307

CASE VI - TRIBUNAL VI

DEFENSE

The Regulation of the Economy in the Third Reich

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Case VI

DOCUMENTS

to

GERMAN FOREIGN POLICY

Introduced for the Purpose of proving the German People's
Ignorance of HITLER's plans to wage aggressive wars.

Part I.

Submitted by Defense Counsel
Dr. CONRAD BOETTCHER

Long



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from the "Kölnische Volkszeitung", issue No. 47 of the 7th year of publication, dated 16 February 1932.

Germany's demands.

BRUNING to the American people.

Sunday evening, Reich Chancellor Dr. BRUNING granted an interview to a representative of the National Broadcasting Company, which was broadcast over the American radio. The Reich Chancellor started out by giving a survey of the extent of Germany's state of disarmament. In the event of war the military strength of e.g. Germany and France as matters stood to-day were at a ratio of 1 to 50 to each other. To-day one no longer could speak of Germany's military security against other states. Germany's military forces did not even afford her sufficient protection of her borders in case of an attack by one or more of her heavily armed neighbours. Germany's defencelessness in the air was particularly apparent

.....

If such a far reaching disarmament as the one completed by Germany, is imposed upon a single country only, it places this country in a state of dishonor and degradation. The German people, particularly German youth, are deeply aware of this state of degradation and it forms part of the political unrest in Germany. The German people, and in particular German youth cannot comprehend that many things are forbidden to the German people, which, in the countries surrounding Germany are still looked upon as the highest consummation of national duty.

This double morality is felt in Germany as outrageous and most unjust. There is only one remedy against this sentiment, namely the removal of that degrading position in which Germany

C.K. 1

finds itself owing to its one-sided disarmament. That is what we mean
when we speak of equal rights.

Certified true copy.

Heidelberg, 6 February 1948

Signed: Edward WAHL

Professor of law at Heidelberg University

Special Counsel of all Defendants.

The Five Power Agreement of 11 December 1932 concerning the realization of equal rights for Germany.

From: Weltgeschichte der Gegenwart in Dokumenten. (Present History of the World in Documents.)
Essener Verlagsanstalt, Essen 1936, part I, page 12.

1. The governments of the United Kingdom, France, and Italy have declared it was to be one of the principles guiding the conference that Germany and the other states disarmed in accordance with the treaty, were to be granted equal rights within a framework offering security to all nations. That principle was to be incorporated in the agreement containing the decisions on armaments reduction and limitation.

This declaration involves that the contemplated disarmament agreement has to contain armaments limitations for all states. It has been agreed to discuss during the conference the ways and means by which these equal rights are to operate.

2. On the basis of that declaration, Germany pronounced herself willing to resume its participation in the conference for the reduction and limitation of armaments.

3. The governments of the United Kingdom, France, Germany and Italy are prepared, together with all other European states, to confirm their solemn pledge that they will under no circumstances, attempt a solution by force of any present or future issues between the signatory powers. This is not intended to forestall a more detailed discussion of the problem of security.

4. The five governments of the United States of America, the United Kingdom, France, Germany and Italy state their determination together with the other states

C.E. 2
Exhibit.....

(page 2 of original)

represented at the conference, to work towards the immediate draft of an agreement, effecting a considerable reduction and limitation of armaments, at the same time providing for a future revision in order to bring about a further reduction.

Certified, true copy.

Signed: FESBENDER

(Assistant Counsel for all Defendants.)

Appeal of the Reich Government to the German People, dated 1 February 1933, in the "Völkischer Beobachter", of 2 Feb. 1933.

.....

III. "As regards their foreign policy the National Government consider their highest mission to be the securing of the right to live and the restoration of freedom to our nation. Their determination to bring to an end the chaotic state of affairs in Germany will assist in restoring to the community of nations a State of equal value and, above all, a State which must have equal rights. They are impressed with the importance of their duty to use this nation of equal rights as an instrument for the securing and maintenance of that peace which the world requires to-day more than ever before."

"May the good will of all others assist in the fulfilment of this our earnest wish for the welfare of Europe and of the whole world."

"Great as is our love for our army as the bearer of our arms and the symbol of our great past, we should be happy if the world, by reducing its armaments, would see to it that we need never again increase our own."

"If, however, Germany is to experience this political and economic revival and conscientiously fulfil her duties towards the other nations, one decisive step is absolutely necessary first: the overcoming of the destroying menace of Communism in Germany."

.....

Certified true copy.

Heidelberg, 8 February 1948

Signed: Edward WAHL

Professor of law at Heidelberg,
University

Special Counsel of all defendants.

Adolf HITLER's address on his assumption of public office at
Potdam on 21 March 1933, in "Reichstag proceedings", volume 457,
pages 6-14.

Bearing in mind the sacrifices of the last war we want before the
world to be the sincere friends of a peace, which shall at last
heal those wounds from which everyone is suffering.

Certified true copy.

Heidelberg, 6 February 1948

Signed: Eduard KELL, D. D.

Professor of law at Heidelberg University

Special Counsel of all Defendants.

Adolf HITLER's speech, on government policy, held at the Reichstag session of 23 March 1933 in the Kroll Opera House, from "Reichstag proceedings" volume 457, page 25-37.

.....

We are aware that the geographical position of Germany, with her lack of raw materials, does not fully permit of economic self-sufficiency for the Reich. It cannot be too often emphasized that nothing is further from the thoughts of the Government of the Reich than hostility to exporting. We are fully aware that we have need of the connexion with the outside world, and that the marketing of German commodities in the world provides a livelihood for many millions of our fellow-countrymen. We also know what are the conditions necessary for a sound exchange of services between the nations of the world.

.....

If the Government of the Reich are guided by these principles, we may certainly expect that increasing understanding abroad will facilitate the inclusion of the German Reich in the peaceful competition of the nations.

.....

The German nation wishes to live in peace with the rest of the world. But it is for this very reason that the Government of the Reich will employ every means to obtain the final removal of the division of the nations of the world into two categories. The keeping open of this wound leads to distrust on the one side and hatred on the other, and thus to a general feeling of insecurity.

The National Government are ready to extend a hand in sincere understanding to every nation that is ready finally to make an end of the tragic past. The international economic distress can only disappear when the basis has been provided by stable political

(page 2 of original)

relations and when the nations have regained confidence in each other." For the overcoming of the economic catastrophe three things are necessary: 1. absolutely authoritative leadership in internal affairs, in order to create confidence in the stability of conditions; 2. the securing of peace by the great nations for a long time to come, with a view to restoring the confidence of the nations in each other; 3. the final victory of the principles of common sense in the organization and conduct of business, and also a general release from reparations and impossible liabilities for debts and interest.

.....

Their attitude towards the other foreign Powers may be gathered from what has already been said. But even in cases where our mutual relations are encumbered with difficulties, we shall endeavour to arrive at a settlement. But in any case the basis for an understanding can never be the distinction between victor and vanquished. We are convinced that such a settlement is possible in our relations with France, if the Governments will attack the problems affecting them on both sides in a really broad-minded way. The Government of the Reich are ready to cultivate with the Soviet Union friendly relations profitable to both parties. It is above all the Government of the National Revolution who feel themselves in a position to adopt such a positive policy with regard to Soviet Russia. The fight against Communism in Germany is our internal affair in which we will never permit interference from outside. Our political relations with other Powers to whom we are bound by common interests will not be affected thereby. Our relations with the remaining countries also deserve to receive our most serious attention in future, especially our relations with the great overseas States with whom Germany has long been connected by ties of friendship and economic interests.

(page 3 of original)

Our relations with the other countries, however, deserve our most serious attention even in the future, particularly relations with the great overseas states, with whom Germany has for a long time been linked by friendship and important economic interests...

.....

It is only by trustful co-operation that a real removal of the general anxiety can be brought about. Ten years of honest peace will be more advantageous to the welfare of all nations than thirty years spent in fruitless discussion of the terms victor and vanquished.

.....

Certified true copy.

Heidelberg, 5 February 1945

Signed: Ewald WAHL

Professor of law
at Heidelberg University

Special Counsel of All Defendants.

Adolf HITLER's speech held in the German Reichstag on 17 May 1933, dealing with the National Socialist policy of peace, from "Reichstag proceedings" vol. 457, pages 47-54.

.....

The problems with which you are familiar, are of such great importance, that upon their successful solution depends not only the political pacification but also the economic salvation of all countries. If on behalf of the German government, I express the wish that their treatment be lifted out of the reach of passion of any kind, this is to a large extent due to the realization guiding all of us, namely that the present depression owes its deepest roots to those very passions, which at the end of the war, obscured the nations' wisdom, reason and sense of justice.

.....

No new European war could improve the unsatisfactory conditions of the present day.

On the contrary, the application of violence of any kind in Europe could have no favourable effect upon the political or economic position which exists to-day. Even if a fresh European act of violence had a decisive result, the ultimate effect would be to increase the disturbance of European equilibrium and thus, in one manner or another, to sow the seed of further conflicts and complications. The result would be fresh wars, fresh uncertainty, and fresh economic distress. The outbreak of such infinite madness, however, would necessarily cause the collapse of the present social and political order. A Europe sinking into Communistic chaos would bring about a crisis, the extent and duration of which could not be foreseen.

It is the earnest desire of the National Government of the German Reich to prevent such a disturbing development by means of its honest and active co-operation.

.....

(page 2 of original)

Nevertheless Germany is at any time willing to undertake further obligations in regard to international security, if all the other nations are ready on their side to do the same, and if this security is also to benefit Germany. Germany would also be perfectly ready to disband her entire military establishment and destroy the small amount of arms remaining to her, if the neighbouring countries will do the same thing with equal thoroughness.

.....

She is also entirely ready to renounce all offensive weapons of every sort if the armed nations, on their side, will destroy their offensive weapons within a specified period, and if their use is forbidden by an international convention.

.....

Moreover the German Government will not reject any prohibition of arms as being too drastic if it is applied in the same manner to all other States. As long as armaments are allowed to other Powers, Germany cannot be permanently deprived of all weapons of defence. We are fully prepared only to make use of an equal status to an extent to be settled by negotiation.

.....

Germany is at all times prepared to renounce offensive weapons if the rest of the world does the same. Germany is prepared to agree to any solemn pact of non-aggression because she does not think of attacking but only of acquiring security.

(page 3 of original)

She would welcome the possibility suggested in President Roosevelt's proposal of bringing the United States into European relations as a guarantor of peace. The President's proposal is a ray of comfort for all who wish to co-operate sincerely in the maintenance of peace. We have no more earnest desire than to contribute to the final healing of the wounds caused by the war and the Treaty of Versailles. Germany does not wish to take any other path than that recognized as justified by the treaties themselves. The German Government wishes to come to a peaceful agreement with other nations on all difficult questions. They know that in any military action in Europe, even if completely successful, the sacrifice would be out of all proportion to any possible gains.

.....

May the other nations realize the resolute will of Germany to put an end to a period of blundering and to find the way to a final understanding between all, on the basis of equal rights.

Certified true copy.

Heidelberg, 3 February 1948

Signed: Eduard WAHL

Professor of law at Heidelberg University

Special Counsel of all Defendants.

Reich Law Gazette

Part II

Issued in Berlin on 18 Sept. 1933, No 36.

CONCORDATE

between the Holy See and the German Reich.

His Holiness Pope Pius XI and the President of the German Reich, inspired by the common wish to secure and promote the existing friendly relations between the Holy See and the German Reich and wishing to regulate permanently the relation between the Catholic Church and the State for the whole extent of the German Reich in a manner which shall be satisfactory for both parties, have determined to conclude a solemn agreement which shall supplement the Concordats already concluded with individual German States, and which for the other States shall secure a uniform treatment of the questions which are the subject of this agreement.

For this purpose his Holiness Pope Pius XI appointed the Papal Secretary, Cardinal Eugen PACELLI, and the President of the German Reich appointed the Vice-Chancellor, Franz von PAFEN as their representatives, who, after exchanging and accepting each others credentials agreed on the following articles:

.....

(page 2 of original)

In the Vatican City, 20 July 1933.

Signed: Franz von PAPEN

Eugenio Cardinale PACELLI

Certified true copy.

Munich, 3 March 1946

Signed: Dr. BOETTCHER

(Dr. BOETTCHER)

Defense Counsel.

Adolf HITLER's Radio Address of 14 October 1933 dealing with
Germany's Withdrawal from the League of Nations. Taken from the
"Voelkische Beobachter" of 15/16 October 1933

.....
And this National Socialist Revolution pursues a single purpose:
restoration of order in our own people, creation of bread and work
for our hungry masses, proclamation of the ideas of honour, loyalty,
and decency as elements of a moral ethic which can inflict no injury
on other peoples, which can but be for the profit of all.

.....
I regard it as the sign of a nobler sense of justice that the French
Premier, DALADIER, in his most recent speech found words which dis-
played a spirit of conciliatory understanding for which countless
millions of Germans in their hearts are grateful to him. National
Socialist Germany has no other wish than to guide the rivalry of
the peoples of Europe once more to those spheres in which they have
given to humanity in the noblest of mutual rivalries those supreme
gifts of civilization, of culture, and of art which to-day enrich
and beautify the picture of the world.

.....
Similarly it is with an emotion of hope that we have learned of the
assurance that the French Government under its present head does
not intend to insult or to humiliate the German people. We have been
deeply moved by the reference to the unfortunately all too melancholy
truth that these two great peoples have so often on the battle-field
sacrificed the blood of their best youth and manhood. I speak in
the name of the entire German people when I assert that we are all
filled with the sincere wish to root out an enmity which has caused
sacrifices which stand in no relation to any profit which could possi-
bly be gained therefrom.

.....
As a National Socialist, together with all my supporters and at the
same time on the ground of our national principles, I refuse to gain
men of an alien people, who will after all not love us, at the

(page 2 of original)

cost of the blood and the lives of those who to us are near and dear. It would be an event of immense significance for humanity as a whole if the two peoples once and for all were willing to banish force from their common life. For this the German people is ready.

While with frankness we assert the rights which are given us by the terms of the treaties themselves, I desire just as frankly to declare further that for Germany there do not exist any longer any territorial disagreements between the two countries. After the return of the Saar territory to the Reich it is only a madman who could conceive of the possibility of a war between the two States; as we see it, for such a war there is no ground which could be supported either in morals or in reason. For no one could require that in order to effect a correction of present frontiers - a correction of problematic extent and a problematic value - a million lives of men in the flower of their age should be destroyed.

.....
But when, further, the French Premier raises the question: why then does Germany demand arms which yet must later be destroyed? this is a misapprehension. The German people and the German Government have not demanded arms at all; what they have demanded is equality of rights. If the world decides that all arms down to the last machine-gun shall be destroyed, we are willing at once to join in such an agreement. If the world decides that certain types of arms are to be done away with, we are willing from that moment to renounce their use. But if the world permits to every people certain types of arms, we are not prepared, as though we were a people with less rights than others, to allow ourselves on principle to be excluded from their possession.

.....
It is the innermost conviction of the German Government that its appeal to the entire German nation will prove to the world that the Government's love of peace as well as its concept of honor expresses

(page 3 of original)

the longing for peace and the idea of honor of the entire nation. To substantiate this assertion, I have decided to approach the Reich President with the request to dissolve the German Reichstag and to offer the German people, through new elections connected with a plebiscite, the opportunity of making a confession which will make history not only in the sense of accepting the principles of the Government but also through feeling unconditionally pledged to them.

.....
From this profession may the world draw the conviction that in this fight for its equality of rights and for its honour the German people declares itself to be completely at one with its Government, but that both Government and people in the depth of their hearts are filled with no other wish than to co-operate in bringing to an end an epoch in human history of tragic error, of lamentable strife and discord between those who, as inhabitants of the continent which is of the highest consequence for civilization, have in future to fulfil a common mission towards the whole of mankind. May this mighty demonstration of our people for peace and honour succeed in giving to the spirit which governs the mutual relations of the European States that pre-condition which is essential not only for the ending of a century of strife and discord but also for the reconstruction of a better community: and that pre-condition is the recognition of a higher common obligation springing from common equal rights!

Certified true copy.

Heidelberg, 8 February 1948.

(Signed) Eduard NAHL, . . .

Professor of Law at Heidelberg University
Special Counsel of all Defendants.

HITLER's Address at the Beginning of the Election Campaign at the Berlin Sportplatz on 24 October^o 1933. Taken from the "Voelkische Beobachter" of 24 October 1933.

.....

We have the will to peace; we do not see even any possibilities of conflict. We wish to live in peace with England, we wish to live in peace with France, we wish to live in peace with Poland. For a long time past we have peaceful relations with Italy. We admire the great Italian statesman, admire his mission, and are grateful for the support which in bad days the Italian people has always given us. We desire peace with all. But we wish also that from that fact others should draw the consequences - quite definite consequences.

.....

We know only one aim in the world: no hatred for other peoples, but love for our German nation.

Certified true copy.

Heidelberg, 3 February 1948.

(Signed) Eduard WARE,

Professor of Law at Heidelberg University
Special Counsel of all Defendants.

Adolf HITLER's Address "For Equal Rights and Peace" given to the German Workers on 11 November 1933 in the Hall of the Dynamowerke in Siemensstadt. Taken from the "Voelkische Beobachter" of 11 November 1933.

.....
It is an uprooted international clique which incites the peoples one against another. They are folk who are at home everywhere and nowhere: they have no soil of their own on which they have grown up: to-day they are living in Berlin, to-morrow they may be in Brussels, the day after in Paris, and then again in Prague or Vienna or London - everywhere they feel themselves at home.

.....
If, however, I want to give the German people again bread and work, if I want to put it back on its feet, I can only do this if it can live in peace and order. I should not be thought so insane as to want war.

.....
We, if anybody in the world, have a right to feel threatened. We want peace and mutual understanding, nothing else. We want to extend a hand to our former opponents, an end must be put to this saddest chapter of world history.

.....
This is how you must understand my decision if I now tell the great international powers: We are willing to participate in every conference, we are most willing to be partners in every international treaty - but only on condition that we enjoy equal rights.

.....
Standing by me and behind me you will now face the world and solemnly declare: We want nothing but peace, we want nothing but order, we want nothing else but to dedicate ourselves to our task. We want the equal rights which are our due and we shall not permit anybody to deprive us of our honor.

Certified true copy.

Heidelberg, 3 February 1948.

(Signed) Eduard WHAL,

Professor of Law at Heidelberg University

Special Counsel of all Defendants.

German-Polish Declaration of 26 January 1934,
Reichsgesetzblatt II, page 1181

The Polish Government and the German Government consider that the time has come to introduce a new phase in the political relations between Germany and Poland by a direct understanding between State and State. They have, therefore, decided in the present Declaration to lay down the principles for the future development of these relations.

The two Governments base their action on the fact that the maintenance and guarantee of a lasting peace between their countries is an essential prerequisite for the general peace of Europe.

They have therefore decided to base their mutual relations on the principles laid down in the Pact of Paris of August 27, 1928, and propose to define more exactly the application of these principles in so far as the relations between Germany and Poland are concerned.

Each of the two Governments, therefore, lays it down that the international obligations undertaken by it towards a third party do not hinder the peaceful development of their mutual relations, do not conflict with the present Declaration, and are not affected by this Declaration. They establish, moreover, that this Declaration does not extend to those questions which under international law are to be regarded exclusively as the internal concern of either of the two States.

Both Governments announce their intention to settle directly all questions of whatever nature which concern their mutual relations.

Should any disputes arise between them and agreement thereon not be reached by direct negotiation, they will, in each particular case on the basis of mutual agreement, seek a solution by other peaceful means, without prejudice to the possibility of applying, if necessary, those methods of procedure in which provision is made for such cases in other agreements in force between them. In no circumstances, however, will they proceed to the application of force for the purpose of reaching a decision in such disputes.

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The guarantee of peace created by these principles will facilitate the great task of both Governments of finding a solution for problems of political, economic and social kinds, based on a just and fair adjustment of the interests of both parties.

Both Governments are convinced that the relations between their countries will in this manner develop fruitfully, and will lead to the establishment of a neighbourly relationship which will contribute to the well-being not only of both their countries, but of the other peoples of Europe as well.

The present declaration shall be ratified, and the instruments of ratification shall be exchanged in Warsaw as soon as possible.

The declaration is valid for a period of ten years, reckoned from the day of the exchange of the instruments of ratification.

If the declaration is not denounced by one of the two Governments six months before the expiration of this period, it will continue in force, but can then be denounced by either Government at any time on notice of six months being given. Made in duplicate in the German and Polish languages.

Berlin, 26 January 1934.

For the German Government:
Freiherr von NEURATH

For the Polish Government:
Jozef LIPSKI

A certified true Copy

Heidelberg, 8 February 1948

signed: Eduard VAHL
Professor of Law
University of Heidelberg
Social Counsel of all Defendants

HITLER's Address before the German Reichstag at the Krolloper in Berlin on 30 January 1934. Taken from "Verhandlungen des Reichstages" Volume 457, p. 7 - 20.

Hence it leads inevitably to a natural respect for the life and character of other peoples. It thus frees foreign political activities from those attempts to subjugate other peoples in order to rule them or to incorporate them as a mere numerical mass in one's own nation by imposing a foreign language upon them.

.....
The German Reich solemnly proclaimed to all nations and States that it was animated solely by the wish to live with them in peace and friendship. We were convinced that it must be possible once more in this world to discuss differences in international life without always at once thinking of having recourse to arms.

.....
During the last twelve months we made a really honest endeavour to cultivate the relations between the German Reich and all other States in a spirit of reconciliation and readiness to come to an understanding, even in cases in which there were great and even irreconcilable differences between the ideas of government held in these countries and ours. Both in the case of the States with a democratic form of government as well as in that of those with an anti-democratic tendency we aimed at finding ways and means for adjusting differences and for international co-operation. This is the only explanation of why, in spite of the great difference of the two prevailing forms of philosophy, the German Reich continued to endeavour in this year to cultivate friendly relations with Russia.
.....

Certified true copy.

Heidelberg, 8 February 1943.

(Signed) Eduard NAHL,

Professor of Law at Heidelberg University
Special Counsel of all Defendants.

O.K. 12

Memorandum of the Reich Government, dated 18 March 1934, on the Disarmament Question, in the "Voelkerbund" No. 23 - Cmd. 4859 -1

From a memorandum submitted by the French Ambassador to the German Government on 14 February, the latter has gathered that while it was true that the French Government's view of the disarmament problem still differed from the German view in several essential points, still, the French Government, just like the German Government, was continuing to make efforts to bring about an early agreement on disarmament, and that in spite of the differences of opinion, it wished to continue discussions with the German Government. Nevertheless, the German Government refrained at first from replying to this memorandum thanks to the fact that the Royal British Government had initiated informational conferences for the clarification of the views of the individual governments, and because it, the German Government, deemed it advisable to await the results of these conferences. It now no longer wishes to postpone the reply to the memorandum of 14 February. It has gained the impression that the French Government's statements on various points had been influenced by a misunderstanding of previous German statements. The German Government deems it important to clarify these misunderstandings, in order thus to prevent any harmful influence upon the continued discussion of the disarmament problem.

The following points are involved:

- 1.) In the German memorandum of 19 January, the French Government claims that it cannot detect a clear stand on the question of the import of the non-aggression pacts proposed by Germany and on the question of the relationship of these pacts to the Rhine Pact of Locarno. As was previously explained to the French Ambassador, the meaning and import of the non-aggression pacts are based upon international practice in recent years. In addition, the German-Polish Declaration of 25 January, which has since been published and ratified, presents a quite clear example, in its import, that Germany

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is prepared to take all possible steps in order to fulfil its obligation not to use force under any circumstances. As for the Pact of Locarno, the German Government does not intend to weaken it by other non-aggression pacts. Nor has it ever cast any doubts on the validity of this pact. What is more, when the question was raised by the French Government, it merely called attention to the fact that the future form of international co-operation might possibly give rise to occasions which could make it seem necessary or desirable to adapt this pact to this new form. According to the view of the German Government, however, this would mean only technical juristic amendments, but not amendments in the political contents of the provisions of the pact of Locarno. In this connection, the German Government would like to call attention to the fact that once the disarmament problem has been settled, the time will have come to discuss with the other powers the question of the future relations of Germany to the League of Nations.

3.) The French Memorandum of 14 February emphasizes that the proposals of the German Government were based on a "false promise", namely, that a really decisive disarmament was impossible at the present time. On the contrary, the German Government wishes to emphasize once more that of course nothing would please it more than for as thorough-going armament restrictions as possible to be agreed upon in the disarmament convention. In its memorandum of 19 January, it had merely considered it necessary to state that the heavily armed countries in their declarations made until up till then, had not accepted any measures for disarmament, which were decisive enough to change the basis of the German proposals. In particular, the French Government had not shown any intention of undertaking disarmament measures, either in its memorandum of 1 January or in that of 14 February,

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measures which could be interpreted as meaning that the question of the future state of German armament, in the light of the Five Power Declaration of 11 December 1932, could be regarded as automatically solved. In addition, the issue at present is not how much or how little theoretical importance is to be attached to the disarmament measures proposed by the individual heavily armed states, but rather, to reach an understanding in a convention as to the actual conclusions to be drawn from the facts available.

3.) Even in the question of control, the French Government's criticism of the statements in the German memorandum of 19 January seems to be based mainly upon a misunderstanding. The German Government has imposed no condition for the introduction of international control other than the perfectly obvious one that this control be completely uniform for all countries. As soon as agreement has been reached on the practical provisions of the convention, that is, concerning the establishment of the future armed strength of the individual countries, the question of the effects of the control will be settled automatically. All that would have to be dealt with then would be the technical details of the control, the arrangement for which should entail no difficulties and the discussion of which might better be postponed until a later stage in the negotiations. For the moment, it should suffice for the statement to be made that the German Government is in complete agreement that the control be set up as effectively as possible and that it begin functioning at the same time that the convention goes into effect.

4.) Related to the question of control, it seems that there is another point which the French Government, according to its statements in its memorandum of 14 February wishes to emphasize especially. That is the question of judging the political organizations in Germany.

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The German Government holds the view that these organizations cannot be considered to have a military character. The French Government, however, believes it must hold a different view. This is a difference of opinion concerning a mere question of fact. Can there be a better and more natural method for clearing up such a difference of opinion than application of the proposed control procedure to such political organizations in all countries, a method which has been expressly accepted by the German Government? On the other hand, the French Government believes it can raise the objection that in this way, the decision concerning an important point would be postponed to a period after the convention comes into effect, and that there would be grave misunderstandings at the first application of the control authority. This objection is meaningless if only for the reason that in the opinion of the German Government, understanding will be attained even before the signing of the convention, as to just what is meant by the military character of organizations outside of the army. The German Government would be in complete agreement ^{if} plans applicable to all countries were to be laid down in the form of a treaty which would guarantee that associations outside of the army would not receive military weapons and training and that they in addition would not have any organizational connections with the Army. In addition, the French Government can rest assured that Germany will never expose itself to the risk of becoming the object of legitimate reproach for violating the convention, once the latter has gone into effect. It goes without saying, and the French Government will not want to contest this, that the German Government will answer in full for the fulfilment of the obligations it would assume in the convention, and that it would not sign any convention if it felt unable to guarantee faithful compliance with its provisions.

If the above-mentioned misunderstandings and the

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related statements of the Memorandum of 14 February are eliminated, the essential difference of opinion between the German and French Governments remains the two questions already comprehensively discussed in the conclusion of the German Memorandum of 19 February: first, the question of certain techniques, with respect to calculating personnel strength, and secondly, the question of the time for equipping the future German army with defense weapons. Concerning the question of personnel strength, the German Government believes it can conclude from the latest French Memorandum that the French Government is prepared to include the overseas troops stationed in France proper in the comparison of the relative strength of the personnel of both sides, and in addition to accept a maximum number for all overseas troops, to be determined by treaty. As desirable as this exact clarification of the French view may be, still, it fails to consider the fact that, in all fairness, in a comparison of relative personnel strength, overseas troops should also be counted, if, while not stationed in the homeland, they are yet stationed in such a locality that they can without difficulty be transported to the homeland for military purposes, at any time. In addition, in this connection, the trained reserves cannot be left out of account. As for the time for equipping the future German army with the necessary defensive weapons, the French Government gave no reason whatsoever, in its memorandum of 14 February, which could justify postponing this time for years to come, thus prolonging the discrimination against Germany and withholding the possibility for full military utilization from the German Army, during the period that the Reichswehr is being transformed into an Army with short-term military service. The German Government believes that in this decisive question, it does not need to repeat the reasons justifying its point of view.

Furthermore the German and French Governments

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are confronted by the fact that a few weeks ago the Royal Italian Government and the Royal British Government presented their important proposals for the drawing up of the disarmament convention. The proposals of both governments have the same far-reaching tendency and have contributed substantially to a clarification of the situation. They have therefore been welcomed by the German Government. It is true that important points of these proposals must still be discussed. But the German Government believes that it can already state that these proposals will be able to facilitate and expedite an understanding between it and the French Government. The discussion has now advanced to the point where two courses are at present open for arriving at a solution. Either a convention can be chosen which is of shorter duration, five years perhaps, and which will deem it sufficient to limit the armaments of the heavily armed states to their present status; or else certain disarmament measures for the heavily armed states can be included in the convention, and thus the convention can be drawn up for a longer term. The future status of German armaments as laid down in a treaty would be essentially the same in both instances, since even if an arrangement of the second kind is made, it cannot be expected that disarmament measures, as has already been emphasized above, will be needed for placing Germany on an equal level. It is a fact long since acknowledged by all parties that under no circumstances can consideration be given to an armament status for Germany such as that laid down in the Versailles Treaty. Not only the latest proposals of the Royal British Government and of the Royal Italian Government are based on this assumption, but also all proposals brought up for discussion at the Disarmament Conference since the French Plan of 14 November 1932. In the proposals which she made recently for the status of her own armaments for the duration of the first Disarmament Convention, Germany of her own accord imposed such extensive restrictions upon herself that she has reached the minimum of what is necessary for the achievement

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of security and for the requirements of defense of the country during this period. From the very outset, she has renounced all offensive weapons, and has always stated that she would accept any restriction upon armaments, no matter how far-reaching, if the other powers did so as well. In addition, she considers that all the conditions necessary for reaching an understanding are at hand and holds the view that all that remains is the decision to reach this understanding.

A certified true copy.

Heidelberg, 8 February 1948.

Signed: Eduard WAHL

Professor of Law at

University of Heidelberg

Special Counsel of all Defendants.

Germany's Proposal for the Armsament Convention

Memorandum of the German Reich Government, dated 16 April 1934,
concerning the English Disarmament Memorandum.

From: Current World History in Documents. Essener Vorlageanstalt,
Essen, 1935, Part I, Page 26.

The German Reich Government is willing to accept the Memorandum of the United Kingdom, dated 29 January 1934, as the basis for a convention, but with the reservation that certain important changes be made.

The Reich Government considers it impossible to wait for two long years before establishing a suitable means of air defense. From the very beginning of the convention, it has expressed the desire to possess a defensive air fleet of short-range planes, in which there would be no bomber planes. The numerical strength of this air fleet would not exceed 30% of the combined military air force of Germany's neighbors or 50% of France's military air fleet (that is of the fleet which France has within the country itself and in her North-African territories), whichever figure is less.

The German Government makes this demand without prejudice to the results of the investigation of the air question, proposed in the Memorandum of the United Kingdom, an investigation which would take place as proposed and which would eliminate bomber planes at least. For the first five years of a ten year convention period, Germany does not demand an additional number of military air planes, but after those five years, it demands that the necessary decreases and increases be made, so that by the end of the ten year convention period, it would have attained complete numerical equality with the chief air powers.

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The German Government would be willing, on a reciprocal basis, to lay down additional regulations, as the Reich Chancellor suggested to Mr. EDEN on 21 February, for the purpose of guaranteeing the non-military character of the SA and the SS, in which connection this character would be supervised by a system of control.

These regulations would mean that the SA and the SS:

1. would possess no weapons.
2. would receive no training with weapons.
3. would not be concentrated or trained in military camps.
4. would not be trained directly or indirectly by officers of the regular army.
5. would not undertake, or participate in, field manoeuvres.

Furthermore, the German Government is willing to agree to postponement of the decrease of armaments on the part of the other powers until the end of the fifth year of the convention, so that the disarmament measures provided for in the Memorandum of the United Kingdom would not be carried out until the second five year period of the convention. All other proposals made in the memorandum of the United Kingdom, are acceptable to the German Government, if they are not affected by these changes, as for example, in connection with control. The German Government also continues to recognize the Locarno Treaties. It holds the view that Germany's return to the League of Nations can be discussed only after solution of the question of disarmament and above all after Germany has been placed on an equal basis with the other powers.

A certified true copy
Signed: FRIEDRICH ECKERT
(Dr. J. FRIEDRICH ECKERT)
Assistant Counsel for all Defendants.

Germany and France's negative Attitudes.

Speech before the German Press by Freiherr von NEURATH, Reich Foreign Minister, on 27 April 1934:

From: Current World History in Documents, Essener Verlagsanstalt, Essen 1936, Part I, Page 31.

Negotiations conducted for more than six months by the great powers chiefly concerned, were suddenly broken off by France, whose reasons for this step included very serious charges against Germany.

Of course, I think it hardly necessary to bring material proof to repel the attacks and recriminations against Germany contained in the French note. After all, it is easy to see, and has certainly not been recognized in Germany alone, that the real reasons for this important decision by the French Government lie elsewhere than in the figures of our recent military budget to which it has just objected. Must not everyone who wishes to regard matters in a natural and simple light, be astonished from the very outset that a government whose own military expenditures amounted to over 16 billion francs last year, should raise an alarm because of a neighboring country's military budget of 890 million RM? Is it not astonishing that the French Government wishes to brand this year's increase of the German military budget by about 220 million Reichsmark, as a menace to peace, even though the greater part of this sum was requested for the very change in our Reichswehr that France herself had demanded. Has not France herself made sweeping increases in her military expenditures in recent years, in spite of the pending disarmament negotiations? And can a power which has the most tremendous military air armaments in the world and which subsidizes its own highly developed civilian aviation with huge sums, be genuinely seriously disturbed over the fact that Germany, in order, by means of special installations in various localities, to protect its civilian population against enemy air raids, has authorized the sum of 50 million RM in its budget, and in addition, 150 million RM for the re-organization of civilian aviation which has been at a stand-still for years?

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One need only compare the statement published by the British Government on 16 April of this year, summing up the position taken recently by the Germans, with the French Note to England which was published immediately thereafter, in order to recognize that Germany's conduct did not present the slightest valid reason for this hasty departure from the negotiations.

Since the arrangements in the Versailles Treaty have not been replaced by any other provisions, the French Government wishes to make this fact the decisive basis for judging the German military budget. I do not consider it necessary to show the fallacy of this attitude by pointing out that the military clauses of the Versailles Treaty do not contain anything at all about the size of the German military budget, and that the allocation of funds in a budget does not necessarily constitute their actual expenditure. For it is much more important for me to clarify the real principle behind the French attitude.

Her attitude is that the treatment of the disarmament question is at the discretion of the heavily armed states on the one hand, and that Germany on the other hand must wait patiently for their decision, and that Germany itself has no right to demand or do anything, if the other powers negotiate for an additional two or five or ten years without any results and at the same time continue to increase their own armaments.

I confess openly, I did not consider it possible for a government seriously to advance such a theory, in view of the present state of affairs and in view of the entire manner in which we were conducting the negotiations with it. But it did do so, and there remains nothing for us to do but to brand this theory most sharply and definitely for what it is: it turns the entire basis of the disarmament question upside down not only legally, but also politically and historically.

(page 2 of original)

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The signatory powers are no longer free today, and have not been so for a long time, to treat the disarmament question according to their own discretion and opinion. In the treaties of 1919, it did not make the problem a *res integra* for free discussion among the various states, but gave it concrete form by forcing total disarmament on the Central Powers on the one hand, and on the other, by making this extraordinary measure the first step towards general disarmament. The Central Powers, especially Germany, have carried out their duty to the letter.

On the other hand, general disarmament, which should have taken place years ago, has not taken place at all, and nowhere has any indication been given for assuming that it would take place in the near future. That is the real basis of the disarmament problem, as it should be discussed today. Then there is another factor to be considered.

Enough time went by before the disarmament conference was convoked. But it was finally convoked, after all, and even though its negotiations have remained fruitless, one fact at least has been made clear, in contradistinction to France's favorite theory, and has been generally acknowledged, namely, that it would be a flagrant violation of justice and a political impossibility, if the situation were to continue whereby Germany would be disarmed, in a unilateral manner, in the midst of her heavily armed neighbors, who would be unrestricted even as to armament measures for the future. The question could be raised, therefore, of Germany's simply retaining the armament status forced upon her at Versailles, only if the other powers decided to reduce their armaments to the same level.

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and actually that was the original demand that the German delegation made at the Disarmament conference. But this demand was categorically rejected, and from that time on, the negotiations, in that they concerned Germany, could revolve only around the question of what other means could be found for placing Germany on an equal basis. This was finally laid down, even if only after grave disagreements, expressly and definitely in the Five Power Declaration of December 1932, and was confirmed by the subsequent disarmament negotiations, even though they have otherwise been so unsuccessful.

The German Government was therefore justified, in its memorandum of 13 March of this year to the French Government, in stating as a fact long since acknowledged by all parties, that Germany could no longer be satisfied with an armament status such as that laid down at Versailles. In this connection, it has already pointed out that not only the recent proposals by the British and Italian Governments were based on this fact, but also all proposals brought up for discussion at the Disarmament Conference since the French Plan of November 1932.

If one wishes, however, to judge by purely formal legal principles, then one should ask oneself, who is more justified, France in advocating her theory in her latest note, or Germany, in now insisting upon immediate realization of her unrestricted equality, in keeping with the armament status of the heavily armed states, especially, that of France?

Germany did not raise this claim. It is true, it adhered to the claim for equal rights as a principle and to its realization as its future ultimate goal; but it had agreed, in a sober, appreciation of present political realities, to accept for the first disarmament convention, a status which put into practice only an extremely modest part of that ultimate goal.

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We kept this moderate attitude even after it had become increasingly clear that we could not expect any considerable disarmament measures on the part of the heavily armed states, especially France.

We renounced all offensive weapons from the very outset. We stated that we would accept any armament restriction for Germany, no matter how extensive, if the other powers did so as well. We thus left it to the decision of the other powers, as to just what kinds of weapons should be generally authorized. In the particularly important question of air armaments, we, as is apparent from the above-mentioned statement by the British Government, made the most far-reaching of concessions, even with respect to the extent of our demands. In addition, we declared our agreement to the introduction of effective control, and offered all conceivable guarantees for safeguarding the non-military character of the political organizations in Germany.

In view of this generally known state of affairs, is it comprehensible at all, that in their latest note, the French raise the charge that Germany wishes to force upon the other powers, her decision to continue her rearmament in all spheres and on a scale to be determined by her alone? We had to leave the Geneva Conference during the Fall of last year, because the Geneva methods had shown themselves to be entirely unsuitable for solving the problem, and because the intolerable proposal had been made for subjecting Germany to several years of probation, before even the initial steps could be taken for actually giving her equal rights.

But immediately afterwards, we made every effort, in special negotiations with the powers concerned, to reach an understanding concerning the main question of the disarmament problem and thus to create the conditions necessary for bringing about a general convention acceptable to all the states. During these special negotiations, at which we placed our cards on the table from the very outset, we took every possible step compatible with our vital interests, to bring about an agreement.

Even now we are willing to come to an understanding at any time.

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Only recently, as you know, the Reich President appointed a special plenipotentiary for the disarmament question, in order to facilitate and promote international negotiations. It was never our intention to solve the question of the future status of German armaments through unilateral decisions and measures alone. The Reich Government has always been and still is aware of how beneficial the effects of an agreement on the armament problem would be for the restoration of confidence and for the political and economic future of all countries. We therefore continue to hope that a convention will be drawn up at an early date.

It cannot be expected of any government, however, that it should make the security and fate of its country dependent indefinitely upon the discretion and opinions of other countries. We adhere firmly to the proposals and concessions that we made recently. I herewith censure to the realm of fable all charges that we have made offensive weapons instead of limiting ourselves to defensive armament.....

But the question of making our proposals and concessions part of a treaty is no longer our affair, but is a matter of concern for the other powers. Since the French Government through its sudden decision, has rejected the method which we had suggested and which we consider to be the only practical one, it can no longer be our concern to reopen the matter.

We are clearly aware of the gravity and difficulties of the situation which have resulted from the latest French move. All states interested in an arrangement of the disarmament question are affected in the same way. Our view however has too sound a basis in a legal, moral and political sense, for us to regard the future development of affairs with anxiety.

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The German Government is fortunately not alone in its conviction that any attempt permanently to keep a country like Germany at the level of a power with inferior rights and rank, is senseless, and even if such an attempt were made, it would necessarily result in injury if not disaster for all. The British and Italian Governments have long since expressed their view of the ideal solution, a view which is in basic agreement with ours. The neutral powers as well have recently given emphatic expression to the necessity for a speedy conclusion of a disarmament convention which gives due consideration to the principle of equality. Thus we can expect that the laws of reason and fairness, which are so clearly obvious in this case, will ultimately make themselves felt after all.

The Reich Government has paved the way for this in every way that it could. It has expressed its unconditional desire for peace, not only in its political program but in practice as well. The manner in which it has effected a compromise in our relations with Poland, its recognition of the Locarno Treaties, its willingness to conclude non-aggression pacts with all neighboring countries, its conciliatory attitude towards all concrete proposals made to it up till now, on the question of security, all bear irrefutable witness to the manner in which we wish to serve the interests of our country. The era of ultimatums, dictates, and unilateral arrangements against Germany is really over.

But the preservation of vital German interests, as we understand and pursue them, is in full agreement with general European interests.

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Only a Germany that is safe against attack can fulfill the function of peace with which it is charged in Central Europe. All the laws of history show us that a defenseless Reich must ultimately lead to a struggle for power and to the ruination of the continent.

May the other governments make full use of this great opportunity which the Reich Government, under its strong and secure leadership, offers them. Our hand continues to remain stretched out for understanding, and I herewith repeat what I have already frequently stated; all that remains is for the other governments to decide to grasp this hand.

A true and correct copy
signed: FERNSTRECKER
(Dr. J. FERNSTRECKER)
Assistant Counsel for all Defendants

From an address by the Fuehrer at the Gau Party Rally of the NSDAP at Gera on 17 June 1934, in the "Voelkerrund" No. 104. Also in the "Voelkischer Beobachter", dated 19 June 1934,

.....
We have only one wish: that in other nations more and more those should prevail who, remembering the horrors of the last war, also wish for an honest reconciliation amongst the peoples. For this we know: if the international clique of agitators were to attain their ends, then once more once would find upon the battle-field the peoples - millions of honest and decent men - but presumably not one of these international agitators.

We National Socialists cannot but prepare our people beforehand against this danger. We are determined that no one shall dispute our right of self-preservation. If anyone says to us: 'If you National Socialists wish equality of rights for Germany - then we must arm': our only reply must be: As far as we are concerned you can do that, for we have no intention of attacking you. But we wish to be so strong that any one else may lose his desire to attack us.

The more the world talks about forming blocs, the clearer it becomes to us that we must take care to maintain our own strength. We have formed no conspiracies with other peoples, but we have to be on our guard lest the conspiracies of others should one day destroy the German people and rob it of the blessing from its labours in its home-country. There is only one thing of which I can assure the entire world: however unqualified our love of peace, however, little Germany wishes for war, we will with the utmost fanaticism defend the freedom of Germany and the honour of our people.

.....
A certified true copy.

Heidelberg, 8 February 1948

signature: Edward VAHL

Professor of Law

at the University of Heidelberg

special counsel of all defendants.

Address by Rudolf HESS, the Fuehrer-Deputy, concerning German Peace Policy and a German French Understanding, at Bochum, 3 December 1934, in the "Voelkischer Beobachter" dated, 9/10 December 1934.

We Germans can watch the development of foreign policy with acquiescence. We are doing everything to help bring about a peaceful development in Europe.

.....
We Germans are no longer of the opinion today, that France - as we were forced to believe, especially at the time of the Ruhr invasion -, is aiming with all means at its disposal at the destruction of our country. France's altered attitude towards Germany has naturally also brought about a favorable change in German's attitude towards the problem of "France". Today we believe that it is actually possible for us to reach an understanding with France, and we have been strengthened in our peace policy, by the speeches and visits of French front veterans and by the replies of front veterans of other countries.

All nations must care for the wretched and needy; efforts will be made to bring help. This will endure however, only if a healthy economic life is established in the world. We shall arrive at this goal, however, not by international economic conferences where fine speeches without practical significance are made, but rather by opening the way for the fulfillment of the requirements of all, through the exchange of goods and the products of labor. A prerequisite at all times is, however: Confidence! If confidence prevails, the purely technical means will be quickly found for exporting all over the world the goods which have been accumulated for exchange.

A certified true copy.

Heidelberg, 3 February 1948

signature: Eduard MULL

Professor of Law at the University of Heidelberg
special counsel of all defendants.

Proclamation of the German Reich Government, of 16 March 1935, for
the re-establishment of Compulsory Military Service in Germany

German Military Freedom

from: Current World History in Documents,

Essener Verlagsanstalt, Essen, 1936, Volume I, Pages 116/121.

.....
To the German People:

When in November, 1918, the German people, trusting in the promises
given in President WILSON's Fourteen Points, grounded arms after
four and a half years' honourable resistance in a war whose out-
break they had never desired, they believed they had rendered a
service not only to tormented humanity, but also to a great idea
per se. Themselves the most serious sufferers from the result of this
insane struggle, the millions composing our people trustingly seized
upon the idea of a new order in the relations between peoples, an
order which was to be ennobled on one hand by doing away with the
secrecy of diplomatic cabinet policies and on the other hand by
abandoning the terrible methods of war. The historically severest re-
sult of the defeat seemed to many Germans to be the only sacrifice
necessary in order once and for all to save the world from similar
terrors.

The idea of the League of Nations has perhaps in no nation awakened
more fervent acclaim than in Germany, stripped as she was of all
earthly happiness. Only thus it was conceivable that the German
people not only accepted but also fulfilled the conditions, verily
senseless in many respects, for the destruction of every condition
and possibility of defence. The German people, and especially their
Governments of that time, were convinced that, by fulfilment of the
conditions of disarmament laid down in the Versailles Treaty and in
accordance with the promises of that Treaty, the beginning of inter-
national general disarmament would be marked and guaranteed. For,
only in a two-sided fulfilment of the task

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by the Treaty could there lie a moral and sensible justification for a demand which, one-sidedly imposed and executed, had necessarily to lead to an eternal discrimination, and thereby to a declaration of inferiority of a great nation.

Under such conditions, however, a peace treaty of this sort could never create the conditions for a true inward reconciliation of peoples, nor for the pacification of the world achieved in this manner, but could only set up a hatred that would grow eternally.

Germany has, according to the investigation of the Inter-allied Control Commission, fulfilled the disarmament conditions imposed upon her. Following is the work of destruction of the German power of resistance and the means necessary therefore, as was certified by this commission:

A. Army

59,397 cannon and heavy gun barrels, 130,558 machine guns, 31,470 mine throwers and barrels, 6,007,000 guns and carbines, 243,937 machine-gun bores, 25,001 cannon carriages, 4,390 machine-gun carriages, 33,750,000 bullets, 16,550,000 hand- and gun-grenades, 60,400,000 fuses, 491,000,000 rounds of ammunition for hand weapons, 335,000 tons of shell cases, 23,515 tons of cartridge cases, 37,600 tons of powder, 79,500 ammunition empties, 212,000 telephones, 1,072 flame throwers, 31 armoured cars, 59 tanks, 1,762 observation cars, 3,932 wireless stations, 1,240 field-bakeries, 2,199 pontoons, 981,7 tons of equipment for soldiers, 3,230,350 sacks of equipment for soldiers, 7,300 pistols and revolvers, 150 machine-gun sleds, 21 transportable workshops, 12 anti-aircraft gun carriages, 11 liebers, 64,000 steel helmets, 174,000 gas masks, 2,500 machines of the former war industry, 3,000 gun barrels.

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2. Air forces

15,711 chasing and bombing planes, 2,757 airplane motors.

C. Navy

Material that was either destroyed, scrapped, sunk, or handed over - 26 first-class battleships, 4 coastal cruisers, 4 armored cruisers, 18 small cruisers, 21 schooling and other ships, 33 torpedo boats, 315 submarines.

In addition there had to be destroyed vehicles of all sorts, utensils for gas attacks and partly for gas protection, fuel of various kinds, explosives, searchlights, gun-sighting appliances, instruments for measuring distance in sound, optical instruments of all kinds, harness for horses, equipment for narrow-gauge railways, printeries, field-kitchens, workshops, cut and thrust weapons, steel helmets, material for transporting munitions, normal and special machines belonging to war industry, mounting frames, drawings for the latter, and hangars for airplanes and airships, &c.

After this historically unexampled fulfillment of a treaty, the German people had the right to expect the redemption also by the other side of obligations undertaken. For, firstly, Germany had disarmed; secondly, in the Peace Treaty the demand had been expressly made that Germany must be disarmed in order thereby to create the precondition for general disarmament; that is, it was contended that Germany's armaments alone furnished the reason for the armaments of the other countries; thirdly, the German people at that time were filled both as regards their Government and their parties with a

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spirit that corresponded exactly with the pacifist-democratic ideals of the League of Nations and its founders. But while Germany as one party to the Treaty had fulfilled its obligations, the redemption of the obligation on the part of the second partner to the Treaty failed to become a fact. That means: the High Contracting Parties of the former victor States have one-sidedly divorced themselves from the obligations of the Versailles Treaty.

Not alone did they refrain from disarming in a manner that could by any stretch be comparable with the destruction of German arms. No. Not even was there a halt in the armaments race, on the contrary, the increase of armaments on the part of a whole group of States became evident. Whatever had during the war been invented in the way of new engines of destruction was now in peacetime brought to final perfection by methodically scientific labour. In the realm of creating mighty armored cars, as well as in that of new fighting and bombing planes, continuous and terrible improvements resulted. New gigantic cannons were constructed, new explosive fire and gas bombs were developed.

The world, however, since then has again resumed its cries of war, just as though there never had been a World War nor the Versailles Treaty. In the midst of these highly-armed, warlike States, which were more and more making use of the most modern motorized equipment, Germany was, militarily speaking, in a vacuum, defencelessly at the mercy of every threatening danger. The German people recall the misfortune and suffering of fifteen years' economic misery and political and moral humiliation.

It was, therefore, understandable that Germany began loudly to demand the fulfilment of the promises made by other States to disarm, for this is clear: the world

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would not only stand for one hundred years of peace, but such a period would be an unmeasured boon. It cannot, however, stand for one hundred years of division into victor and vanquished.

The conviction that international disarmament was morally justified and necessary gained ground, not only in Germany, but also among many other peoples. From the insistence of these forces there resulted attempts through conferences to give direction to the reduction of armaments, and thereby to a general equalization on a low level. Thus there developed the first proposals for an international agreement on armaments, of which we remember the MCDOUGALD plan as significant.

Germany was ready to accept this plan and adopt it as the foundation for arrangements to be arrived at. It failed because the other States declined to accept it, and was finally abandoned. Inasmuch as in these circumstances the equality which was solemnly promised to the German people and Reich in the declaration of December, 1932, failed of realization, the new Reich's Government, as guardian of the honour and right to live of the German people, was unable to continue to take part in conferences of that sort or to continue membership in the League of Nations. However, even after leaving Geneva, Germany still was ready, not only to examine the other States' proposals, but herself to make practical proposals.

In that connexion she identified herself with the viewpoint which other States themselves had expressed; namely, that the creation of armies with short enlistments is not suited to the purposes of attack, and is therefore recommendable for peaceful defence. Germany was therefore ready to transform the Reichswehr with its long

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service period into an army with short enlistments, commensurate with the wishes of the other States. Her proposals, made during the winter of 1933-4, were practical and executable. The fact that they were declined, as well as the fact that Italian and English proposals along similar lines were finally declined, justified the conclusion that on the other side of the contracting parties there no longer existed any inclination for a belated and honest fulfilment of the disarmament clauses of Versailles.

In these circumstances, the German Government saw itself compelled of its own accord to take those necessary measures which could ensure the end of a condition of impotent defencelessness of a great people and Reich, which was as unworthy as in the last analysis it was menacing. In so doing it proceeded from the same premises which Mr. BALDWIN in his last speech so truthfully expressed:

'A country which shows itself unwilling to make what necessary preparations are requisite for its own defence will never have power, moral or material, in this world'.

The Government of the present-day German Reich, however, desires but one single moral and material power - namely the power to safeguard peace for the Reich and thereby, really also, for all Europe.

The Government, therefore, continued to do what it could and what served the advancement of peace.

Firstly, it proposed a long time ago the conclusion of non-aggression pacts to all its neighbour States.

Secondly, it has sought for and found the adjustment laid down in the treaty with its eastern neighbour which, thanks to the great

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understanding shown on the other side, has, as it hopes, forever taken the poison out of the threatening atmosphere which it found on seizing power, and which will lead to lasting reconciliation and friendship between the two peoples.

Thirdly, it has finally given France the solemn assurance that Germany, after the adjustment of the Saar question, now no longer will make territorial demands upon France. It believes thereby, in a manner rare in history, to have created the precondition for ending the century-old strife between the two great nations by making a heavy political and material sacrifice.

The German Government must, however, to its regret, note that for months the rest of the world has been rearming continuously and increasingly. It sees in the creation of a Soviet Russian Army of 101 divisions, that is, in an admitted present peace strength of 960,000 men, an element that at the time of the conclusion of the Versailles Treaty could not have been divined. It sees in the forcing of similar measures in other States further proofs of the refusal to accept the disarmament idea as originally proclaimed. Far be it from the German Government to raise complaint against any other State. It must point out, however, to-day that by France's introduction of a two-year service period as now decided, the idea upon which the creation of armies with short enlistment had been tested has been abandoned in favour of an organization with long enlistments.

This, however, was one of the arguments advanced at the time for demanding that Germany give up her Reichswehr.

In these circumstances the German Government considers it impossible still longer to refrain from taking the necessary measures for the security of the Reich or even to hide the knowledge thereof

from the other nations.

If, therefore, it now fulfils the wish for enlightening the world on Germany's intentions, as expressed in the speech by the British Minister Stanley BOLDWIN, on November 23, 1934, it does so: firstly, in order to give the German people the conviction and other States the knowledge that the safeguarding of the Honour and security of the German Reich henceforth will be again entrusted to the sole charge of the German nation;

secondly, in order, by fixing the extent of German measures, to de-vitalize those claims which attempt to ascribe to the German people a striving for a position of military hegemony in Europe.

What the German Government, as the guardian of the honour and interests of the German nation, desires is to make sure that Germany possesses sufficient instruments of power not only to maintain the integrity of the German Reich, but also to command international respect and value as co-guarantor of general peace.

For in this hour the German Government renounces before the German people, before the entire world, its assurance of its determination never to proceed beyond the safeguarding of German honour and the freedom of the Reich, and especially does it not intend in rearming Germany to create any instrument for warlike attack, but on the contrary, exclusively for defence and thereby for the maintenance of peace.

In so doing, the German Reich's Government expresses the confident hope that the German people, having again reverted to their own honour, may be privileged in independent equality to make their contribution for the pacification of the world in free and open

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co-operation with other nations and their Governments.

A certified true copy.

signature: FEHSENECKER

(Dr. J. FEHSENECKER)

Assistant Counsel for all Defendants.

Communique of 26 March 1935, concerning the Discussions of Sir John SIMON, British Foreign Minister, and Lord Privy Seal EDEN, with the German Reich Government.

Berlin

from Current World History in Documents.

Essener Verlagsanstalt, Essen, 1936, Volume I

Pages 131/132.

The German-British conferences between Sir John SIMON, the British Foreign Minister, Mr. Anthony EDEN, Lord Privy Seal on the one hand, and the Fuehrer and Reich Chancellor, and, Freiherr von NEURATH, The Reich Foreign Minister, on the other, which were held during the past two days in the presence of Sir Eric PHIPPS, the British Ambassador and of Herr von RIBBENTROP, the Deputy for Armament Questions, were concluded this evening.

The questions dealt with were those mentioned in the London Communique of 3 February. The conversations were held in a most open and friendly manner, and have led to a complete clarification of the views of both sides. It was determined that the policy of both governments aims at guaranteeing and strengthening the peace of Europe by the promotion of international co-operation.

The British and German ministers were deeply convinced of the necessity for open discussion of opinions as had just occurred. Sir John SIMON will fly back to London from Berlin tomorrow, and Mr. EDEN, as planned, will proceed on to Moscow, Warsaw, and Prague.

A certified true copy

signature: FEHSENECKER

(Dr. J. FEHSENECKER)

Assistant Counsel for all Defendants

The Fuehrer's speech on the German policy of peace, made before the German Reichstag at the Kroll Opera House in Berlin on 21 May 1935, from "Reichstag proceedings" volume 453, pages 39-56.

.....
We Germans can only bewail the fact that the rest of the world takes so little trouble to examine objectively what went on in Germany during the past two and a half years, and does not study the essence of that ideology, to which alone the credit for these achievements is due.

.....
If the present Germany advocates peace, it does so neither owing to weakness nor to cowardice. It advocates peace from another standpoint regarding people and State, namely the standpoint of National Socialism. For National Socialism regards the forcible amalgamation of one people with another alien people not only as a worthless political aim, but in the long run as a danger to the internal unity and hence the strength of a nation. National Socialism therefore dogmatically rejects the idea of national assimilation. That also disposes of the bourgeois belief in a possible 'Germanisation'.

.....
Our racial theory therefore regards every war for the subjection and domination of an alien people as a proceeding which sooner or later changes and weakens the victor internally, and eventually brings about his defeat. But we do not believe for a moment that in Europe the nations whose nationalism has been completely consolidated could in the era of the principle of nationalities be deprived of their national birthright at all.

.....
National Socialist Germany wants peace because of its fundamental convictions. And it wants peace also owing to the realization of the simple primitive fact that no war would be likely essentially to alter the distress in Europe. It would probably increase it.

.....
I might have signed ten treaties, but such action

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would not have been of the same importance as the statement I made to France on the occasion of the Saar plebiscite. When I, as the Fuehrer and representative of the German nation, gave to the world and to my own people the assurance that with the settlement of the Saar question no further territorial demands would be made on France, that was a contribution to peace much greater than many a signature under many a pact.

.....
The hope is now frequently expressed that Germany might herself come forward with a constructive plan. I have made such proposals not once but several times. If my constructive plan for an army of 300,000 men had been adopted, then perhaps many a care would have been less and many a burden lighter to-day. But it is almost useless to present constructive plans when their rejection can be regarded as certain from the start. Nevertheless, I propose once more to give a short survey of our views. This is done solely from the feeling that it is our duty to leave no stone unturned in order to restore the necessary internal security to Europe and the feeling of solidarity to the European nations. After the other States had not only failed to fulfil their obligation to disarm, but in addition all proposals for a limitation of armaments had also been declined, I felt myself obliged, as the Fuehrer of the German nation, responsible to God and my own conscience, in face of the growth of new military alliances and after receiving the information that France was introducing a two-year period of service, to restore once more, by virtue of the right to life of the nation itself, the legal equality of Germany, which has been refused her internationally. It was not Germany who thus broke a contractual obligation which had been laid upon her but those States which had compelled us to adopt this independent action.

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The introduction of the universal military service and the promulgation of the law for the establishment of the new German army were nothing else than the restoration to Germany of a status of equal rights which threatens nobody but guarantees Germany security. In this connexion I cannot avoid expressing my astonishment here at a statement which was publicly made by the British Prime Minister, Mr. MacDonald, who said - with regard to the restoration of a German defence force - that the other States had been right after all in being cautious about disarmament. If this view is generally adopted, any sort of conduct may be expected in the future. For, according to this view, every breach of a treaty will be subsequently condoned because the other partner is supposed to deduce the same consequences; that is to say, A and B conclude a treaty. B fulfils his obligation and A fails to observe his obligations. After years of warning B also finally states that the treaty is no longer valid for him, whereupon A is entitled to declare that thereby his previous breach of the treaty has now received subsequent moral justification, in that B has now also abandoned the treaty.

I should like here to deal just briefly with the reproaches and imputations which have been levelled against the restoration of the German military service. It is stated in the first place that Germany is not menaced by anyone and hence, secondly, that it is not comprehensible why Germany should rearm at all. This would give rise to the counter-question of why the other side, who in any case could feel less menaced by a disarmed Germany than vice versa, did not stop rearming and finally reduce armaments. But when it is asserted that Germany menaces the other States by rearming, then the increase of the armaments of the other States was at least a much greater

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menace for a disarmed and defenceless Germany. I believe that in this case there is only a choice of one thing or the other. If warlike armaments are a menace to peace, then they are a menace for all States. But if they are not a war menace, then they are not a menace for any State. It will not do for one group to represent their armaments as an olive branch of peace and those of the others as the devil's wand. A tank is a tank, and a bomb is a bomb. The opinion that it is possible to divide up the world for all time into States with different rights will always be recognized only by the one side. The German nation, in any case, is not prepared to be regarded and treated for all times as a second-class nation or one with inferior rights. Our love of peace is perhaps greater than that of the other nations, for we suffered most from this unhappy war. No one of us means to threaten anybody. It is only that we are all determined to secure and maintain equality for the German people. But this equality is also the primary prerequisite for every form of practical and collective co-operation.

So long as there are any mental reservations in this respect, really successful European co-operation will be impossible from the start. Once in possession of absolute equality of rights, Germany will never refuse to participate in those efforts which are intended to serve the cause of human peace, progress, and economic welfare.

.....
 So far as Germany is concerned I wish to leave no shadow of doubt in what I am about to say: Germany has solemnly recognized and guaranteed France her frontiers as determined after the Saar plebiscite. Without taking the past into account Germany has concluded a non-aggression pact with Poland. This is more than a valuable contribution to European peace,

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and we shall adhere to it unconditionally. We dearly wish that it may continue without interruption and that it may tend to still more profound and friendly sincerity in the mutual relationships between our two countries. We did all this although we thereby finally renounced, for instance, all claims to Alsace-Lorraine, a land for which we have also fought two great wars. But we did it in particular to spare our own German nation a new and terrible sacrifice of lives. We are convinced that in so doing we are benefiting not only our own people, but also this frontier territory. We are prepared to do everything on our part to arrive at a true peace and a real friendship with the French nation. With the understanding and heartfelt friendship of genuine nationalists, we recognise Poland as the home of a great and nationally conscious people.

.....
Germany has nothing to gain by a European war of any kind. What we want is freedom and independence. For this reason we were ready to conclude pacts of non-aggression with all our neighbours.

.....
Passing from these general considerations to a more precise summing up of the present issues, I hereby declare that the position of the German Government is as follows:

1. The German Government reject the Geneva resolution of 17 April. It was not Germany which unilaterally broke the Versailles Treaty. The Versailles Dictate was unilaterally broken, and thereby rendered invalid as regards the points at issue, by those Powers who could not decide to carry out in their turn the disarmament which was imposed on Germany and which should have followed in their case by virtue of the Treaty. The new discrimination introduced at Geneva makes it impossible for the German Government

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to return to that Institution until the preconditions for a real legal equality of all nations have been established. For this purpose the German Government consider it necessary to make a clear separation between the Treaty of Versailles, which was based on a classification of the nations into victors and vanquished, and the League of Nations, which must be constituted on the basis of equal valuation and equality of rights for all the members.

This equality of rights must be extended to all functions and all property rights in international life.

2. The German Government, consequent on the failure of the other States to fulfil their disarmament obligations, have on their part renounced those articles of the Versailles Treaty which, because of the one-sided burden this laid on Germany contrary to the provisions of the Treaty, have constituted a discrimination against Germany for an unlimited period of time. They hereby most solemnly declare that these measures of theirs relate exclusively to the points which involve moral and material discrimination against the German people and of which notice has been given. The German Government will therefore unconditionally respect the articles concerning the mutual relations of the nations in other respects, including the Territorial provisions, and those revisions which shall be rendered necessary in the course of time will be put into effect only by the method of peaceful understandings.

3. The German Government intend not to sign any treaty which seems to them incapable of fulfilment; but they will scrupulously maintain every treaty voluntarily signed, even though it was concluded before their accession to power and office. In particular they will uphold and fulfil all obligations arising out of the Locarno Treaty, so long as the other partners are on their side ready to stand by that pact. In respecting the demilitarized zone the German Government consider their action as a contribution to the appeasement of Europe, which contribution is of an unheard-of hardness for a Sovereign State. But they feel bound to point out

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that the continual increase of troops on the other side can in no way be regarded as a complement to these endeavours.

4. The German Government are ready at any time to participate in a system of collective co-operation for safeguarding European peace, but regard it necessary to recognize the law of perpetual evolution by keeping open the way to treaty revision. In making possible a regulated evolution in the treaty system they recognize a factor for the safeguarding of peace and in the suppression of every necessary change a preparation for future explosions.

5. The German Government are of the opinion that the reconstruction of European collaboration cannot be achieved by the method of imposing conditions unilaterally. In view of the fact that the various interests involved are not always concordant, they believe it right to be content with a minimum instead of allowing this collaboration to break down on account of an unalterable maximum of demands. They have the further conviction that this understanding - with a great aim in view - can be brought about only step by step.

6. The German Government are ready in principle to conclude pacts of non-aggression with their neighbour States and to supplement these pacts with all provisions that aim at isolating the war-maker and localizing the area of the war. In particular they are ready to assume all consequent obligations regarding the supply of material and arms in peace or war where such obligations are also assumed and respected by all the partners.

7. The German Government are ready to supplement the Locarno Treaty with an air agreement and to enter upon discussions regarding this matter.

8. The German Government have announced the extent of the expansion

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of the new German Defence Force. In no circumstances will they depart from this. They do not regard the fulfilment of their programmes in the air, on land, or at sea, as constituting a menace to any nation. They are ready at any time to limit their armaments to any degree that is also adopted by the other Powers. The German Government have already spontaneously made known the definite limitations of their intentions, thereby giving the best evidence of their good will to avoid an unlimited armaments race. Their limitation of the German air armaments to parity with the individual Great Powers of the West makes it possible at any time to fix a maximum which Germany will be under a binding obligation to observe with the other nations.

The limitation of the German Navy is placed at 35 per cent. of the British Navy, and therewith still at 15 per cent. below the total tonnage of the French Navy. As the opinion has been expressed in various Press commentaries that this demand is only a beginning and would increase, particularly with the possession of colonies, the German Government hereby make the binding declaration: For Germany this demand is final and abiding. Germany has not the intention or the necessity or the means to participate in any new naval rivalry.

The German Government recognize of themselves the overpowering vital importance, and therewith the justification, of a dominating protection for the British Empire on the sea, precisely as we are resolved conversely to do all that is necessary for the protection of our continental existence and freedom. The German Government have the straightforward intention to find and maintain a relationship with the British people and State which will prevent for all time a repetition of the only struggle there has been between the two nations hitherto.

9. The German Government are ready to take an active part in all

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efforts which may lead to a practical limitation of boundless armaments. They regard a return to the former idea of the Geneva Red Cross Convention as the only possible way to achieve this. They believe that first there will be only the possibility of a gradual abolition and outlawry of weapons and methods of warfare which are essentially contrary to the Geneva Red Cross Convention, which is still valid. Just as the use of dum-dum bullets was once forbidden and, on the whole, thereby prevented in practice, so the use of other definite arms should be forbidden and prevented. Here the German Government have in mind all those arms which bring death and destruction not so much to the fighting soldiers as in the first instance to non-combatant women and children.

The German Government consider as erroneous and ineffective the idea of doing away with aeroplanes while leaving bombardment free. But they believe it possible to proscribe the use of certain arms as contrary to international law and to excommunicate those nations still using them from the community of mankind - its rights and its laws.

Here also they believe that gradual progress is the best way to success. For example, there might be prohibition of the dropping of gas, incendiary, and explosive bombs outside the real battle zone. This limitation could then be extended to complete international outlawry of all bombing. But so long as bombing as such is permitted, any limitation of the number of bombing planes is questionable in view of the possibility of rapid substitution.

Should bombing as such be branded as an illegal barbarity, the construction of bombing aeroplanes will soon be abandoned as superfluous and of no purpose. If, through the Geneva Red Cross Convention, it turned out possible as a matter of fact to prevent the killing of a defenceless wounded man or prisoner, then it ought to be equally possible to forbid, by an analogous convention, and finally to stop, the bombing of equally defenceless civil populations.

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In such a fundamental way of dealing with the problem Germany sees a greater reassurance and security for the nations than in all pacts of assistance and military conventions.

10. The German Government are ready to agree to any limitation which leads to abolition of the heaviest arms, especially suited for aggression. Such are, first, the heaviest artillery, and, secondly, the heaviest tanks. In view of the enormous fortifications on the French frontier such international abolition of the heaviest weapons of attack would ipso facto give France 100 per cent. security.

11. Germany declares herself ready to agree to any limitation whatsoever of the calibre-strength of artillery, battle-ships, cruisers, and torpedo boats. In like manner the German Government are ready to accept any international limitation of the size of warships. And finally they are ready to agree to limitation of tonnage for sub-marines, or to their complete abolition in case of international agreement. And they give the further assurance that they will agree to any international limitation or abolition of arms whatsoever for a uniform space of time.

12. The German Government are of the opinion that all attempts to bring about an alleviation of certain strained relations between individual States by means of international or multilateral agreements must be in vain until suitable measures are taken to prevent the poisoning of public opinion among the nations by

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irresponsible elements orally or in writing, through the theatre or the cinema.

13. The German Government are ready at any time to reach an international agreement which shall effectively prevent all attempts at outside interference in the affairs of other States. They must demand, however, that such a settlement be internationally effective, and work out for the benefit of all States. As there is a danger that in countries where the Government does not rest on the general confidence of the people, internal upheavals may all too easily be ascribed to external interference, it seems necessary that the conception of 'interference' should be subjected to a precise international definition.

Members of the German Reichstag, I have been at pains to give you a picture of the problems which confront us to-day. However great the difficulties and worries may be in individual questions, I consider that I owe it to my position as Fuehrer and Chancellor of the Reich not to admit a single doubt as to the possibility of maintaining peace. The peoples wish for peace. It must be possible for the Governments to maintain it. I believe that the restoration of the German defence force will contribute to this peace. Not because we intend to increase it beyond all bounds, but because the simple fact of its existence has got rid of a dangerous vacuum in Europe. Germany does not intend to increase her armaments beyond all bounds. We have not got ten thousand bombing-planes and we shall not build them. On the contrary; we have set for ourselves such limits as we are convinced are necessary for the protection of the nation, without coming into conflict with the idea of a collective and regulated security. Nobody would be happier than we if such a regulation should make it possible for us to apply the industry of our people to the production

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of more useful things than instruments for the destruction of human life and property.

We believe that if the peoples of the world can agree to destroy all their gas, inflammatory, and explosive bombs this would be a more useful undertaking than using them to destroy one another.

.....

The nature of our new constitution makes it possible for us in Germany to put a stop to the machinations of the war agitators. May the other nations too be able to give bold expression to their real inner longing for peace. Whoever lights the torch of war in Europe can wish for nothing but chaos. We, however, live in the firm conviction that in our time will be fulfilled not the decline but the renaissance of the West. That Germany may make an imperishable contribution to this great work is our proud hope and our unshakable belief.

A certified true copy.

Heidelberg, 8 February 1948,

signed: Eduard WAHL

Professor of Law at Heidelberg University
special counsel of all defendants.

The Anglo-German Naval Agreement

From: Weltgeschichte der Gegenwart in Dokumenten.

Essener Verlagsanstalt, Essen, 1937, Vol.3, Page 282/285.

133. Letter of the Ambassador Extraordinary and Plenipotentiary of the German Reich, Joachim von RIBBENTROP of 16 June 1935 to the Secretary of State for Foreign Affairs in Great Britain, Sir Samuel HOARE.

Your Excellency, I have the honour to confirm to Your Excellency the receipt of your Note of to-day's date in which you were good enough to make the following communication on behalf of His Majesty's Government in the United Kingdom:

"During the last few days the representatives of the German Government and His Majesty's Government in the United Kingdom have been engaged in conversations, the primary purpose of which has been to prepare the way for the holding of a general conference on the subject of the limitation of naval armaments. I have now much pleasure in notifying Your Excellency of the formal acceptance by His Majesty's Government in the United Kingdom of the proposal of the German Government discussed at those conversations that the future strength of the German navy in relation to the aggregate naval strength of the Members of the British Commonwealth of Nations should be in the proportion of 35:100. His Majesty's Government in the United Kingdom regard this proposal as a contribution of the greatest importance to the cause of future naval limitation. They further believe that the agreement which they have now reached with the German Government and which they regard as a permanent and definite agreement as from to-day between the two Governments, will facilitate the conclusion of a general agreement on the subject of naval limitation between all the naval Powers of the world.

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3. His Majesty's Government in the United Kingdom also agree with the explanations which were furnished by the German representatives in the course of the recent discussions in London as to the method of application of this principle. These explanations may be summarised as follows:

- a) The ratio 35:100 is to be a permanent relationship, i.e. the total tonnage of the German fleet shall never exceed a percentage of 35 of the aggregate tonnage of the naval forces, as defined by treaty, of the Members of the British Commonwealth of Nations or, if there should in future be no treaty limitations of this tonnage, a percentage of 35 of the aggregate of the actual tonnages of the Members of the British Commonwealth of Nations.
- b) If any future general treaty of naval limitations should not adopt the method of limitation by agreed ratios between the fleets of different Powers, the German Government will not insist on the incorporation of the ratio mentioned in the preceding sub-paragraph in such future general treaty, provided that the method therein adopted for the future limitation of naval armaments is such as to give Germany full guarantee that this ratio can be maintained.
- c) Germany will adhere to the ratio 35:100 in all circumstances, e.g., the ratio will not be affected by the construction of other Powers. If the general equilibrium of naval armaments, as normally maintained in the past, should be violently upset by any abnormal and exceptional construction by other Powers, the German Government reserve the right to invite His Majesty's Government in the United Kingdom to examine the new situation thus created.

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d) The German Government favour, in the matter of limitation of naval armaments, that system which divides naval vessels into categories, fixing the maximum tonnage and/or armament for vessels in each category, and allocates the tonnage to be allowed to each Power by categories of vessels. Consequently, in principle, and subject to (f) below, the German Government are prepared to apply the 35% ratio to the tonnage of each category of vessel to be maintained and to make any variation of this ratio in a particular category or categories dependent on the arrangements to this end that may be arrived at in a future general treaty on naval limitation, such arrangements being based on the principle that any increase in one category would be compensated for by a corresponding reduction in others. If no general treaty on naval limitation should be concluded, or if the future general treaty should not contain provision creating limitation by categories, the manner and degree in which the German Government will have the right to vary the 35% ratio in one or more categories will be a matter for settlement by agreement between the German Government and His Majesty's Government in the United Kingdom, in the light of the naval situation then existing.

e) If, and for so long as, other important naval Powers retain a single category for cruisers and destroyers Germany shall enjoy the right to have a single category for these two classes of vessels, although she would prefer to see these classes in two categories.

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f) In the matter of submarines, however, Germany while not exceeding the ratio of 35:100 in respect of total tonnage shall have the right to possess a submarine tonnage equal to the total submarine tonnage possessed by the Members of the British Commonwealth of Nations. The German Government, however, undertake that, except in the circumstances indicated in the immediately following sentence, Germany's submarine tonnage shall not exceed 45% of the total of that possessed by the Members of the British Commonwealth of Nations. The German Government reserve the right, in the event of a situation arising which in their opinion makes it necessary for Germany to avail herself of her right to a percentage of submarine tonnage exceeding the 45% above mentioned, to give notice to this effect to His Majesty's Government in the United Kingdom and agree that the matter shall be the subject of friendly discussion before the German Government exercise that right.

g) Since it is highly improbable that the calculation of the 35% ratio should give for each category of vessels tonnage figures exactly divisible by the maximum individual tonnage permitted for ships in that category, it may be necessary that adjustments should be made in order that Germany shall not be debarred from utilising her tonnage to the full. It has consequently been agreed that the German Government and His Majesty's Government in the United Kingdom will settle by common accord what adjustments are necessary for this purpose and it is understood that this procedure shall not result in any substantial or permanent departure from the ratio 35:100 in respect of total strengths.

3.) With reference to sub-paragraph (c) of the explanation set out above, I have the honour to inform you that His Majesty's Government in the United Kingdom have taken note of the reservation and recognise the right therein set out, on the understanding that the 35:100 ratio will be maintained in default of agreement to the contrary between the two Governments."

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I have the honour to confirm to Your Excellency that the proposal of the Government of the German Reich has been correctly set out in the foregoing communication and I am happy to note that His Majesty's Government in the United Kingdom accepts that proposal.

The Government of the German Reich is also of the opinion that the agreement which it has now reached with His Majesty's Government in the United Kingdom and which it regards as a permanent and definite agreement as from to-day between the two Governments, will facilitate the conclusion of a general agreement on these questions between all the naval Powers of the world.

I have the honour to be, etc.

signed: von RIBBENTROP
Ambassador Extraordinary and
Plenipotentiary of the German Reich.

The Right Honourable

Sir Samuel Hoare, Bart.,
G.C.S.I., G.B.E., C.M.G., M.P.,
etc., etc., etc.

Renunciation of unrestricted submarine warfare.

from: Current World history in documents.
Essener Verlagsanstalt, Essen, 1937, Volume 3
pages 285/286

Declaration by the First Lord of the Admiralty, Sir Bolton BYRDS-
MONSELL, on 25 June 1935 before the House of Commons, concerning
an obligation assumed by the German Reich, during the naval
conferences. In the course of the naval conferences, the German
representatives stated that Germany was prepared to agree to the
regulation concerning submarine warfare as contained in part IV of the
London Naval Pact (of 22 April 1930) and to subscribe to it
irrespective of the acceptance of all other powers.

Part IV (Art. 22) of the London Naval Pact reads as follows:

"the following provisions will be accepted as existing rules
of International Law:

"1. Submarines when encountering merchant-vessels will conduct
themselves in accordance with the international rules
concerning war-ships.

"2. In particular, no war-ship, whether a surface vessel or
a submarine may sink a merchant-ship or render it unable
to proceed, without having first taken passengers, crews
and ship-papers to a safe place- except in cases when
a ship persistently refuses to comply with the regular
request to stop or when it actively resists inspection
or search. In this connection, the lifeboats of a ship
will be regarded as a safe place only when sea and weather
conditions are such that the safety of passengers and
crews is ensured by the proximity of land or the presence
of another ship which is in a position to take them
aboard.

"The high contracting parties invite all other powers
to express their agreements with the above mentioned
rules."

This means, that Germany has expressed her willingness never
again to take a measure such as the one known, during the war,
as unrestricted submarine warfare.

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A correct and true copy.

Signed: FENSTERMAKER

(Dr. F. FENSTERMAKER)

Assistant Counsel for all Defendants.

Address, on 7 December 1935, by Dr. SCHACHT, Reich Minister of Economy before the Bund der Freunde der Technischen Hochschule zu Muenchen (Association of Friends of the Munich Technical Academy) on the subject of Germany and world economy, published as special publication of the Reichsbank.

.....

The Versailles policy apparently pursues the aim of preserving forever the political constellations existing at the end of the World War, i.e. the victory of the Allies and the collapse of the Central Powers. Such a policy is the twofold enemy of economy. First of all, world economy is based on the principle of equal rights; it does not admit a division into privileged and suppressed nations. Secondly, the principle of Versailles is a purely static one; but economy is dynamic and can only be so. One of those two principles had to break down, they could not exist side by side. In the beginning politics were more powerful and the inevitable result was the world crisis.

.....

Thus, looking back at the past has shown that economic factors played only a minor part in the cause of the present international economic crisis as compared to political factors which were the main cause for it. Furthermore, it has shown that previous government measures designed to have effects on the outside world, such as increased customs-tariffs, goods quotas, deflations, clearing measures etc., did not help to abate the crisis but aggravated it. The final result is shattering. Since 1929, thus for more than 6 years, the crisis has continued to develop. International trade has decreased from 28¹/₂ billion Reichsmark in 1929 to 96 billion Reichsmark in 1934; during the same period, the index of world market prices has fallen from 100 to 45 and since the beginning of 1931, thus for five years, the figure of world unemployment has amounted to more than 20 million and tenaciously remains between 20 and 25 millions. Unfortunately, what this means for the wealth of the nations cannot be expressed in figures. If it could these figures

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would be frightening. And they would become even more frightening, if one stopped to consider that a decrease of wealth means a decrease in culture. Finally, the fact that the crisis mainly affects the white race can, unfortunately, also not be kept secret. Japan's

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share in world trade has almost tripled as compared to pre-war times. For the years from 1930 to 1934 alone, it has increased by 30%.

.....

On the financial side, the solution of the debt problem has continued to make a certain amount of progress. The fact that Germany, the largest debtor country, has just about halved her foreign liabilities from the end of 1930 up to the present time, is a considerable feat. But even more decisive, perhaps, is the fact that even to-day, in spite of the exhausting of our foreign reserves and the catastrophic position of international trade, we have continued to decrease at least our commodity debts although, of course, at the present time, only in a very small measure. All other debtor countries, especially those in South America have distinctly improved their unfavorable financial balance and their debt service. Of course we must be careful not to over-estimate this symptom. It merely indicates the undiminished intention of the debtor to meet his liabilities as best he can.

.....

On the other hand, I am convinced that it would come to an end surprisingly quickly if the creditor countries, on their part, were to abandon once and for all the policy of the thumb-screw. This policy, it is true, had certain advantages although it could only succeed by a coercive method. Through an indescribably painful process, it has finally produced the recognition that in the long run, the interlocking of economy is stronger than a policy which tries to ignore that fact. GILBERT C. LAYTON rightly says as follows: "Perhaps it will be the very culmination of our present system, under which everyone is eager for money and no-one wants goods, which will lead to its elimination."

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The clearing system forced upon Germany has provided an object lesson in the field of international economy which, it is true, was a very expensive but at least a convincing process.

.....

Since the core of the world crisis, the debtor problem, has passed into the hands of the governments, politics have become the one and only key to the overall position. If the politicians agree to give free rein to the recovery tendencies of world economy, this world crisis will soon be a thing of the past. If they persist, however in their previous principle of pressure, the decline will continue. This key position of politics forces me, as the officiating minister of economy in the new Germany, completely to reveal German policy with regard to international economy. It is simply the result of existing conditions. Germany is the typical example of a country for the processing of raw materials and semi-finished goods. As such it must have a positive attitude to world economy and decline the idea of self-sufficiency. Self-sufficiency always entails poverty, even more so for Germany. It is a matter of course that Germany ~~wants~~ to provide and maintain for herself a sound domestic market, but it is just for the sake of this domestic market that she places equal importance on a sound foreign trade. Unfortunately, however, Germany is also a debtor country and as such, she is condemned to have only the second move in this game of chess. Germany wants to pay her debts. She can only pay them in the form of goods. But the purchase of these goods depends on the creditor countries. We ourselves, can only see to it that the price of our export goods should not be higher than world market prices. That, we have done, we can do no more. A just percentage of all relief measures for the benefit of our exports

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will be used for the improvement of our debt service. Only a short while ago, we demonstrated our good-will in connection with the new arrangement of our debt service for the American Dawes and Young loan bonds.

.....

The other demand to the effect that we should keep down our imports, is completely senseless. Imports and exports are always closely coupled, especially now in this era of clearing agreements and barter trade. The foreign trade representatives of other countries with whom we are almost continuously negotiating take the following point of view, which is clearly comprehensible: if Germany buys less from us, then we will buy less from her. It is not only very difficult to impose import restrictions but such measures would be the worst possible policy for a finishing country like Germany. Without imports there are no exports and without exports we cannot fulfil all our debt obligations. Nevertheless, under the pressure from the creditor states we have been obliged steadily to decrease our imports. Our decrease in imports is probably the least among all comparable states in relation to industrial capacity on the one hand and to raw material stocks on the other. In reality, however, it is the largest. But, at the present moment, our imports have reached a level which does not allow any further cuts if we are not to give up our place in world economy due to a shortage of raw materials. To the contrary, in view of the increasing cost of raw materials our imports will have to go up in value.

If the world wants to stop us and if it believes that it can stimulate world trade by continuing to force us to adopt self-sufficiency, we shall know how to survive. But no-one can expect us to volunteer for such measures.

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Germany's position to world economy, is, therefore, quite clear. If there is a world boom, or more correctly, if the politicians will allow such a boom to set in, we will make honest efforts to play our part in all fields. In this connection, we would welcome it, if the world were to abandon the unfortunate system of short-term commercial agreements and if it were to give a more solid basis to world trade by the adoption of long range settlement of commercial agreements. If the politicians do not allow such a boom to set in, if they are to remain adamant in their previous destructive policy, we shall have to resign ourselves to these facts. We are not what we were. National-Socialism has enabled us to concentrate all our forces for the benefit of our People. Relying on this source of power, we can afford to wait until the recognition dawns that world economy is not feasible without a consumer of the size of Germany. I do not doubt that the recognition will come.

The assets by far outweigh the liabilities which Germany would have to bring into the balance of future world economy. Above all, Germany would have her regained political equality to tip the scale for her.

.....

Our second asset is our position as large scale consumer of world trade goods. Through our purposeful domestic policy in the field of economy we have been able, after many years of stagnation, to turn this item into an asset and to raise, in Germany, a genuine and sound demand for the commodities of world trade. There is a great chance for the recovery of world trade in the satisfaction of this demand. For at all times,

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It is the demand which determines economic development. What figures are involved, is indicated by the fact that, now as before, we are the third largest import country in the world. On the same level are all our exports which bring to the world a number of goods which, up to the present, are only made in Germany.

.....

A true and correct copy

Heidelberg, 5 February 1948

Signed: Eward WAHL

Professor of Law at Heidelberg University

Special Counsel of all defendants.

Conversation of the Fuehrer, in Berlin on 21 February 1936, with Bertrand de JOUVENEL for the "Paris Midi" on the subject of German-French relations.

From "Hamburger Monatshefte fuer auswärtige Politik" 3rd year (1936) pamphlet No. 3.

"Deutsches Nachrichtenbureau" of 29 February 1936.

"I know well what you are thinking. HITLER speaks to us of peace, but is he really sincere? Would it not be far better for you to apply your famous French logic instead of trying to solve psychological puzzles? Would it not mean utter ruin for both countries if they were once again to meet on the battle-field? Is it not logical for me to strive after what is best for my country? And is that not peace? Later on during the conversation with Bertrand de JOUVENEL, the Fuehrer refers to the alleged "mystery" which had elevated him to the position of Fuehrer of the German nation. As a solution of this mystery, he mentions among other things the fact that he had simplified problems of apparently extreme complication which professional politicians had been unable to master. In this connection, he also mentions the problem of "class struggle". In the same manner in which he had proved to the German nation by an appeal to reason that class struggle was mere folly, he was now directing, he said, the same appeal to reason to the world at large. "I wish", the Fuehrer continued, to prove to my People that the concept of hereditary hostility (Erbfeindschaft) between France and Germany is nonsense. The German People has understood this. It stood behind me when I embarked upon the much more difficult reconciliation between Germany and Poland." After these words by the Fuehrer, Bertrand de JOUVENEL, mentions the Fuehrer's repeated peace statements. "We French, he says, are pleased to read of your peace statements. But, nevertheless, we are troubled by other less encouraging factors. Thus, for example, in your book "Mein Kampf"

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you have said very unpleasant things about France. At this moment, this book is read all over Germany as a kind of political bible. Edition after edition is being sold without any amendments as to the passages referring to France."

The Fuehrer replied as follows:

"I was in prison while writing this book. It was the time of the French occupation of the Ruhr and of the great tension between our two countries.....Yes, it is true, we were enemies at that time and I stood by my country, against yours as it was my duty to do, in the same spirit in which I stood in the trenches fighting your country for $4\frac{1}{2}$ long years. I would have to despise myself if, during a conflict, I were not a German first and foremost. You want me to make corrections in my book like an author who publishes a revised edition of his works. But I am no author, I am a politician. I carry out my corrections in my foreign policy. And this foreign policy is directed towards an understanding with France. If I succeed in bringing about a German-French rapprochement, it will mean a worthwhile correction. I enter my corrections in the great book of history....."

A true and correct copy

Heidelberg, 8 February 1948

Signed Eduard WAHL,

Professor of Law at the Heidelberg University

Special Counsel of all defendants.

End of the Locarno Pact and of the De-militarized Zone.

From: Weltgeschichte der Gegenwart in Dokumenten.

Essener Verlagsanstalt, Essen, 1937, Vol. 3, Pages 332/336.

147. Memorandum by the Reich Government to the Signatory Powers
of the Locarno Pact, dated 7 March 1936.

Immediately after being informed of the Pact between France and the Union of Socialist Soviet Republics, concluded on 2 May 1935, the German Government drew the attention of the other signatory Powers of the Locarno Rhine Pact to the fact that the obligations which France has undertaken in the new Pact are not compatible with her obligations arising out of the Rhine Pact. The German Government then explained their point of view in full detail and in both its legal and political aspects - in its legal aspect in the German Memorandum of 25 May 1935, in its political aspect in the many diplomatic conversations which followed on that Memorandum. It is also known to the Governments concerned that neither their written replies to the German Memorandum, nor the arguments brought forward by them through the diplomatic channel or in public declarations, were able to invalidate the German Government's point of view.

In fact, all the diplomatic and public discussions which have taken place since May 1935 regarding these questions have only been able to confirm on all points the view expressed by the German Government at the outset.

1. It is an undisputed fact that the Franco-Soviet Pact is exclusively directed against Germany.
2. It is an undisputed fact that in the Pact France undertakes, in the event of a conflict between Germany and the Soviet Union,

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obligations which go far beyond her duty as laid down in the Covenant of the League of Nations, and which compel her to take military action against Germany even when she cannot appeal either to a recommendation or to an actual decision of the Council of the League.

3. It is an undisputed fact that France, in such a case, claims for herself the right to decide on her own judgement who is the aggressor.

4. It is thereby established that France has undertaken towards the Soviet Union obligations which practically amount to undertaking in a given case to act as if neither the Covenant of the League of Nations, nor the Rhine Pact, which refers to the Covenant, were valid.

This result of the Franco-Soviet Pact is not removed by the fact that France, in the Pact, makes the reservation that she does not wish to be bound to take military action against Germany if by such action she would expose herself to a sanction on the part of the guarantor Powers, Italy and Great Britain. As regards this reservation, the decisive fact remains that the Rhine Pact is not based only on the obligations of Great Britain and Italy as guarantor Powers, but primarily on the obligations established in the relations between France and Germany. Therefore it matters only whether France, in undertaking these treaty obligations, has kept herself within the limits imposed on her so far as Germany is concerned by the Rhine Pact.

This, however, the German Government must deny.

The Rhine Pact was intended to achieve the object of securing peace in Western Europe by providing that Germany on the one hand and France and Belgium on the other hand, in their relation to one another, should renounce for all future time the use of military force. If at the time of the conclusion of the pact certain exceptions to this renunciation of war going beyond the right of self-defence were admitted,

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the political reason for this, as is generally known, lay solely in the fact that France had already undertaken certain obligations towards Poland and Czechoslovakia, which she did not wish to sacrifice to the conception of absolute security in the West. Germany, with her own clear conscience in regard to the matter, at the time accepted these limitations on the renunciation of war. She did not raise objections to the treaties with Poland and Czechoslovakia, laid by France on the table at Locarno, solely on the obvious condition that these treaties were in conformity with the construction of the Rhine Pact, and contained no sort of provisions regarding the application of article 16 of the Covenant of the League

of Nations, such as those contained in the new Franco-Soviet agreements. The contents of these special agreements, as then notified to the German Government, fulfilled this condition. The exceptions admitted in the Rhine Pact were not, it is true, specifically confined to Poland and Czechoslovakia, but were formulated as an abstract principle. Nevertheless, the intention of all the negotiations relating to these questions was merely to find a compromise between the renunciation of war by Germany and France, and the wish of France to maintain the obligations which she had already undertaken towards her allies. If, therefore, France now utilizes the abstract provisions of the Rhine Pact, which permit the possibility of war, in order to conclude a fresh alliance against Germany with a Power highly armed in a military sense; if she thus further, and in so decisive a manner, restricts the scope of the renunciation of war agreed upon with Germany; and if in this connexion, as shown above, she does not even observe the fixed formal legal limits, she has created an entirely new situation, and has destroyed the political system of the Rhine Pact, not only in theory but also in fact.

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The latest debates and decisions of the French Parliament have shown that France, in spite of the German representations, is determined to put the pact with the Soviet Union definitively into force. A diplomatic conversation has even revealed that France already regards herself as bound by her signature of this pact on 2 May 1935. In the face of such a development of European politics, the German Government, if they do not wish to neglect or to abandon the interests of the German people which they have the duty of safeguarding, cannot remain inactive.

The German Government have continually emphasized during the negotiations of the last years their readiness to observe and fulfil all the obligations arising from the Rhine Pact as long as the other contracting parties were ready on their side to maintain the Pact. This obvious and essential condition can no longer be regarded as being fulfilled by France. France has replied to the repeated friendly offers and peaceful assurances made by Germany by infringing the Rhine Pact through a military alliance with the Soviet Union exclusively directed against Germany. In this manner, however, the Locarno Rhine Pact has lost its inner meaning and ceased in practice to exist. Consequently, Germany regards herself for her part as no longer bound by this dissolved treaty. The German Government are now constrained to face the new situation created by this alliance, a situation which is rendered more acute by the fact that the Franco-Soviet Treaty has been supplemented by a Treaty of Alliance between Czechoslovakia and the Soviet Union exactly parallel in form. In accordance with the fundamental right of a nation to secure its frontiers and ensure its possibilities of defence, the German Government have to-day restored the full and unrestricted sovereignty of Germany in the demilitarized zone of the Rhineland.

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In order, however, to avoid any misinterpretation of their intentions and to establish beyond doubt the purely defensive character of these measures, as well as to express their unchangeable longing for a real pacification of Europe between States which are equals in rights and equally respected, the German Government declare themselves ready to conclude new agreements for the creation of a system of peaceful security for Europe on the basis of the following proposals:

1. The German Government declare themselves ready to enter at once into negotiations with France and Belgium with regard to the creation of a zone demilitarized on both sides, and to give their agreement in advance to any suggestion regarding the depth and nature thereof on the basis of full parity.
2. The German Government propose, for the purpose of ensuring the sanctity and inviolability of the boundaries in the West, the conclusion of a non-aggression pact between Germany, France, and Belgium, the duration of which they are ready to fix at twenty-five years.
3. The German Government desire to invite Great Britain and Italy to sign this treaty as guarantor Powers.
4. The German Government agree, in case the Netherlands Government should so desire and the other Contracting Parties consider it appropriate, to bring the Netherlands into this treaty system.
5. The German Government are prepared, in order to strengthen further these security agreements between the Western Powers, to conclude an air pact calculated to prevent in an automatic and effective manner the danger of sudden air attacks.
6. The German Government repeat their offer to conclude with the States bordering Germany in the East non-aggression pacts similar to that with Poland. As the Lithuanian Government have in the last few months

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corrected their attitude towards the Memel Territory to a certain extent, the German Government withdraw the exception which they once made regarding Lithuania and declare their readiness, on condition that the guaranteed autonomy of the Memel Territory is effectively developed, to sign a non-aggression pact of this nature with Lithuania also.

7. Now that Germany's equality of rights and the restoration of her full sovereignty over the entire territory of the German Reich have finally been attained, the German Government consider the chief reason for their withdrawal from the League of Nations to be removed. They are therefore willing to re-enter the League of Nations. In this connexion they express the expectation that in the course of a reasonable period the question of colonial equality of rights and that of the separation of the League Covenant from its Versailles setting may be clarified through friendly negotiations.

A certified true copy:

signed: FEHSENECKER

(Dr. J. FEHSENECKER)

Assistant Counsel for all Defendants.

Speech made by the Fuehrer to the German Reichstag in the Kroll Opera House in Berlin on 7 March 1936 regarding the re-establishment of the sovereignty of the German Reich over the Rhineland and regarding his plan for European peace -- "Verhandlungen des Reichstages", Volume 458, pages 63-75.

.....

It is regrettable that the world does not take seriously the causes of the struggle for life of the German nation. But it is really shocking to be able to read every day in so and so many newspapers of the satisfaction with which the world reads of the difficulties which inevitably beset the life of our people. As long as this is only done by insignificant writers, it can continue. It is a very bad sign when statesmen begin to regard presumptive signs of poverty and need in a nation as welcome symptoms for assessing the general situation and forming judgements as to the future.

In these three years I have again and again endeavoured - unfortunately too often in vain - to throw a bridge of understanding across to the people of France. The farther we leave behind the bitterness of the World War and the fears that followed it, the more do evil memories fade from the minds of men, and the more do the beautiful aspects of life and knowledge and experience come to the fore. Those who once faced one another as bitter opponents honour each other to-day as men who fought bravely in a great struggle that is past and gone and regard each other as the depositaries and trustees of a great and common cultural inheritance.

Why then should it not be possible to put an end to this useless strife which has lasted for centuries and which has never been and never will be finally decided by either of the two nations concerned? Why not replace it by the rule of reason? The German people have no interest in seeing the French people suffer. And on the other hand what advantage can come to France when Germany is in misery? What boon can the French peasant expect to come to him when times are bad with the German peasant, or vice versa?

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Or what advantage can the French worker expect from the distress of the German worker? What blessing could it bring to Germany, to the German labourer and to the German middle classes or the whole of the German people, if France were overwhelmed with misfortune?

I have followed the principles of common sense in trying to solve questions which arose from the mischievous preaching of class war among the German people themselves. And I have been successful in my effort. Why then should it not be possible to lift the general problem of conflicting interests between the European States above the sphere of passion and unreason and consider it in the calm light of a higher vision?

I once swore to myself that I would fight boldly and steadfastly for Germany's equality and obtain it in one way or the other; but at the same time my earnest desire has been to increase the feeling of responsibility for the necessity of mutual consideration and collaboration in Europe.

Let me now apply this fundamental principle to European politics in general. The moment I do so I find that Europe is divided into two groups. The first group consists of autonomous and independent national States and of nations with whom we are linked together in a thousand ways by reason of a common historical experience and a common culture. With these same people we want to remain thus linked for ever, and indeed also with the free and independent nations of other countries outside of Europe. The second group is ruled by that intolerant Bolshevik doctrine which aims at international domination and which wrenches the annihilation of what are to us the most eternal and most sacred ideals relating to this world and the next. In place of all this Bolshevism would instal a world which is abhorrent to us in its culture and its outlook and its teaching. With this Bolshevik section of Europe we desire no closer contact than the ordinary political and economic relations.

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It is often much more difficult for a nationalist to bring his nation to a sense of reason than the contrary. It would probably have been much easier for me to arouse instincts of revenge rather than to awaken and strengthen a feeling for the necessity of European understanding. This latter I have done. I have stopped public opinion in Germany from making attacks of this kind against neighbouring nations.

I have expurgated from the German Press all expressions of hatred against the French people. I have laboured to instil into the minds of our youth an appreciation for the ideal of an understanding with France. And here my work has not been in vain. A few weeks ago, when our French guests marched into the Olympic Stadium at Garmisch-Partenkirchen, they may have taken the occasion of noticing whether and how far I had succeeded in bringing about such a change in the mentality of the German people.

The inner readiness for seeking and finding such an understanding is more important than the finely woven attempts of statesmen to ensnare the world in a legal net, and in parts that are not clear as to the obligations they involve.

My endeavours along these lines were doubly difficult because, at the same time I had to deliver Germany from the entanglement of a Treaty which robbed her of equality of rights, a Treaty which the French people - rightly or wrongly, it does not matter - believed it in their interests to maintain. In this connection I, as a German nationalist, have had to make a further particularly heavy sacrifice for the German people. No attempts have hitherto been made, at least in recent times, after a war

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simply to deprive the loser of its sovereign rights over large and small parts of its territory. It was only in the interests of that understanding that I endured that, the heaviest political and moral sacrifice with which we could be burdened; I wanted to continue to bear it only because I believed one should abide by an agreement which could possibly contribute towards purifying the political atmosphere between France and Germany and between England and Germany and to establishing a feeling of security on all sides. Indeed, in addition to that I have often - and right here in this house - represented the point of view that not only are we prepared to make this heavy contribution to the securing of peace in Europe, as long as the other parties fulfil their obligations, but that in this agreement we see a concrete - and thus the only possible - attempt to establish peace in Europe.

You, gentlemen, are acquainted with the contents and spirit of this agreement. It was intended to prevent for all future time the employment of force between Belgium and France on the one side, and Germany on the other. Unfortunately the treaties of alliance that had already been made by France were the first obstacles laid in the practical path of this Pact, namely the Rhine Pact of Locarno. To this Pact Germany made a contribution which represented the greatest sacrifice; because while France fortified her frontier with steel and concrete and armament, and garrisoned it heavily, a condition of complete defencelessness was imposed upon us on our Western frontier. Nevertheless we abided by that obligation in the hope that we might serve the cause of European peace and advance international understanding by making a sacrifice which meant so much for a great Power.

The agreement concluded between France and Russia last year, and already signed and accepted by the French Chamber, is in open contradiction to this Pact.

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This new Franco-Soviet Agreement introduces the threatening military power of a mighty Empire into the centre of Europe by the roundabout way of Czechoslovakia, the latter country having also signed an agreement with Russia. Such being the state of affairs, it is impossible that these two countries should undertake in their agreement to decide the question of guilt, in the event of an Eastern European conflict, according to their own judgement, and accordingly to regard the obligation of mutual assistance as having arisen or not, entirely irrespective of an already existing or pending decision on the part of the League of Nations Council.

It has been asserted that in this Pact the first obligation need not necessarily apply because it is restricted by a certain condition attached to the text; but this assertion is incomprehensible. I cannot state that a certain course of action is expressly a breach of an obligation otherwise valid and therewith considered as binding, and then, in a further paragraph, declare that no action shall be taken which would be contrary to these other obligations. In this case the first obligation would be unreasonable and therefore incomprehensible.

This problem is first and foremost a political one and must be considered as such in all its serious implications.

France has not concluded this Treaty with a European Power of no special significance. Even before the Rhine Pact came into existence France already had treaties of assistance with Czechoslovakia and with Poland. Germany made no objection to this, not only because these pacts, unlike the Franco-Soviet Pact, were subject to the provisions laid down by the League of Nations but because at that time Czechoslovakia, and more particularly Poland, were in the habit of following a policy in keeping with their own national interests.

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Germany has no desire to attack these States, and does not believe that it is in their interests to attack her. Above all, however, Poland will remain Poland and France will remain France. But Soviet Russia is the exponent of a revolutionary political and philosophical system organized in the form of a State. Its political creed is the confession of faith in the world revolution. It cannot be foreseen whether this philosophy will not be victorious to-morrow or the next day in France as well. But should this happen - and I as a German statesman must count on such a possibility - then it is certain that this new Bolshevik State would be a section of the Bolshevik International, which means that the decision as to aggression or non-aggression would not be made by two different States according to their own independent and objective judgments, but orders would be issued from one headquarters. Should such a development take place these headquarters would not be in Paris but in Moscow.

But I also believe that in the hour of such bitter recognition and grave decision, in spite of everything, we ought not to fail, particularly at such a time, to play our part in European co-operation, and I believe that we should now more than ever seek new ways which might make possible a solution of these questions in a way that would be advantageous to all.

I have there endeavored to express the feeling of the German people by making concrete proposals. This people is anxious for its own security and is prepared to make every sacrifice for its freedom and is at every moment ready to enter into a sincere and honest European co-operation on the basis of equal rights for all.

This copy is certified correct
Heidelberg, 8 February 1948
signed: Eduard WALT
Professor of law at the
University of Heidelberg
Special counsel of all defendants

Peace Plan of the Reich Government of 31 March 1936, in "Deutsches Nachrichtenbüro" (German News Agency) of 1 April 1936.

Ambassador RIBBENTROP's message that it is the desire of the British Government and of the British people to begin as soon as possible with the practical work aimed at accomplishing a true peace in Europe was received with sincere approval by the German Government. This desire meets with the innermost intentions and hopes of the German people and its leaders. It is, therefore, to the deepest regret of the German Government not to find itself in a position to see in the draft handed to it on 20 March by the representatives of the Locarno Powers a workable and useful basis for preparing and carrying through such truly peaceful work.

In the opinion of the German people and of its Government, this draft lacks that spirit of understanding the principles of honor and of equality which, in the lives of the peoples of all times constituted the first prerequisite for the conclusion of free and thus sacred treaties.

The German Government believes it its sacred duty, in view of the seriousness of this task, to limit its comments on the negative parts of the memorandum received to the absolutely necessary statements. On the other hand, it shall attempt, by extending and clarifying its suggestions, and on 7 March, to do its part ^{to} facilitate the starting of concrete work on securing peace in Europe.

In order to explain its rejection of the individual discriminating points and in order to substantiate its constructive suggestions, the German Government will have to state the following principles:

The German Government has just received from the German people a solemn general mandate to represent the Reich and the German nation in two ways:

1. The German people is determined under all circumstances

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to safeguard its freedom, its independence and thus its equal rights. In its opinion the observance of these natural international principles for the life of the nations is dictated by national honor and is a prerequisite for any practical cooperation between the peoples and the German people will not deviate from these principles under any circumstances.

2. It is the sincere desire of the German people to do everything in its power to contribute its share in the great task of bringing about a general reconciliation and understanding of the European nations which should serve to secure the much needed peace for this continent, its civilization and its welfare.

These are the wishes of the German people and thus the obligation of the German Government.

In reference to its fundamental attitude already stated in its preliminary note of 24 March 1936, the German Government furthermore wants to state the following:

A. In 1918, Germany concluded the armistice treaty on the basis of the fourteen points of WILSON. No restriction of German sovereignty in the Rhineland was planned in those points. On the contrary: The main basic idea of those points was to build up a better and durable peace by establishing a new organization of the nations. The right of self-determination was to be observed to the fullest extent and was to be equally applied to victor and vanquished.

B. In his speech of 26 March, the Royal British Foreign Minister with regard to the demilitarized zone, stated that, in the last analysis, it had been established only in lieu of a separation of the Rhineland from Germany which had actually been wanted by France in 1918. This statement reveals that the demilitarized zone was established only as the consequence of a preceding violation of an obligation which had been binding also for the Allies.

C. The provisions of the Treaty of Versailles concerning demilitarization are, therefore, based on the violation of assurances given to Germany

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and their only legal justification was force. They have been taken over from the Treaty of Versailles into the Locarno Pact after another violation of law had been committed, namely the occupation of the Ruhr area which had been considered as a violation of law even by British jurists of the Crown.

D. The so-called "voluntary renunciation" of Germany's sovereignty in those western provinces of the Reich thus constitutes a consequence of the Treaty of Versailles and of a series of the most serious oppressions of the German people resulting from these consequences; especially the terrible misery and distress of the Reich which was caused through the occupation of the Rhineland must be pointed out.

If, therefore, the British Government now declares, that one did speak of a dictate of Versailles, but certainly could not speak of a dictate of Locarno, the German Government must ask the following question:

"Is there, or can there be in the world a great people who, voluntarily and without having been subjected to the utmost compulsion would be or would have been ready to give up, without recompensation, its sovereign rights - in this particular case the most primitive right of defending its own frontiers?". Nevertheless the German people suffered this situation for seventeen years and as late as 21 May 1935 the German Chancellor of the Reich declared that "the German Reich Government considers the demilitarized zone as an extraordinary heavy contribution on the part of a sovereign state to the pacification of Europe" and that the Reich Government "will observe all obligations resulting from the Locarno Pact, as long as the other partners of the treaty are also ready to abide by this pact".

In its preliminary note of 24 March 1936 the German Reich Government already pointed out, that the military treaty concluded between France and Soviet Russia has already deprived the Locarno pact of its legal, and especially its

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political basis and thus of the prerequisites of its existence. We do not have to explain this in detail, since:

There is no doubt, that the policy to cover Europe with a net of military alliances counteracts per se the spirit and meaning of the establishment of a real league of nations. The great danger arises that this general entanglement in military alliances will result in a situation similar to that which was one of the main causes for the outbreak of the most terrible and most senseless of wars.

It is not within the power of one single government to prevent such development which has been started by certain major powers, but it is the duty of any government, within the boundaries of its own territory of sovereignty to prepare for any surprises which might result from such unclear European military and cabinet policies.

In view of the previous developments representing a cancellation of the legal and political foundations and prerequisites of the Locarno Pact the German Government, therefore, did not consider itself bound to this pact and has restored Reich sovereignty over the entire territory of the Reich.

The German Government is in no position to submit this step taken for the safety of the Reich, concerning only German Reich territory and not constituting a danger for anybody, to the judgment of a tribunal, which, even under the most favorable circumstances could only judge the legal part, but under no circumstances the political part of the case. This is all the more true, since the council of the League of Nations has already arrived at a decision, which has established a legal precedent.

The German Reich Government is furthermore convinced

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that such judgment would not only not contribute anything positive towards a real constructive solution of the problem of European security, but would only be suited to complicate if not to prevent such a solution.

Indeed; either one believes in the possibility of guaranteeing general peace in Europe, - in such a case the intended intervention in the sovereign rights of a nation would only cause a disturbance, or one does not believe in the possibility of guaranteeing the peace, in that case such a decision would only be an ex post facto legal statement. For this reason, the German Government considers this point or all those points of this draft of the representatives of the Locarno Powers which only constitute a unilateral incrimination for Germany, not only as no really generous and constructive solution of the question of European safety, but only as a discrimination of a great people, thus endangering any hopes for a durable peace.

In keeping with the mission received from the German people, the German Government therefore has to reject all proposals which would be unilaterally incriminating and thus discriminating Germany. As can be seen from its offer, Germany has no intention of ever attacking Belgium or France. It is well known that in view of France's gigantic armament program and its enormous fortification works on the French eastern border such attack would be completely senseless from the purely military point of view.

For these reasons the German Government cannot understand the wish of the French Government for immediate negotiations of the general staffs. The German Government

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would consider it only a serious case of precedent if such agreements between general staffs would be held before the new security pacts have been concluded. It is of the opinion that in any case such agreements could be only the consequence of political assistance obligations of the five Locarno powers and could take place only on a strictly reciprocal basis.

The German Government, furthermore, is of the opinion that the mass of existing problems should be organized expediently for the purpose of facilitating the solution according to the points of view of the goals to be achieved. In this case it would have to ask the following fundamental questions:

Which is to be the goal of the efforts of European diplomacy?

A: Is the goal to be to keep up or continue under some new forms or modifications a policy which has proved unworkable for securing any permanent peace, namely the policy of dividing the peoples of Europe in such with more and with less rights, in peoples with honor and such without honor, in free and unfree peoples?

Is it, furthermore, to be the goal of the efforts of European diplomacy through this spirit to arrive by means of simple majority decisions at statements about past events, to pronounce judgment in order to find a justification for the continuation of the former status which, from the legal point of view still seems to be lacking?

Or should

B: the efforts of the European government be directed towards arriving, under all circumstances, at a truly constructive regulation of the relationship towards one another of the European nations and thus towards a permanent and safe peace?

The German Government owes it to its people to state here clearly and unmistakably that it will participate only in this second attempt, which seems to be the only constructive one, but this it will do out of a deep conviction and aided by the

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full power of the sincere and intense wishes of the nation backing it in its efforts.

The German Government is of the opinion that the total task facing the European statesmen will have to be divided into three sections:

- a) the period when things will calm down slowly and the procedure for the beginning of the negotiations can be clarified.
- b) the period of the actual negotiations aimed at securing the peace in Europe.
- c) a later period devoted to all the supplementary work on the European peace project which may be desired; this period cannot be exactly defined either as to the extent or to the contents nor can it or should it be limited (disarmament questions, economic questions etc.).

In view of this purpose the German Government suggests the following peace plan:

1. In order to lend to the coming negotiations aimed at securing the peace in Europe the character of sacred treaties, the nations in question will participate only as members with completely equal rights and duties. There will be no compulsion to sign these treaties, but one: the recognition by all that these agreements are evidently useful for the peace of Europe and thus for the social happiness and economic welfare of the nations.
2. In order to shorten in the interest of the economic life of the European nations as much as possible the period of uncertainty, the German Government suggests to limit to four months the first period up to the signing of the non-aggression pacts and thus of the guaranteed security of the European peace.
3. The German Government promises during this period

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not to enforce the troops stationed in the Rhineland provided that the Belgian and the French Government give similar guarantees.

4. The German Government promises during this period not to move the troops stationed in the Rhineland closer to the Belgian and French borders.

5. For the purpose of guaranteeing these mutual assurances the German Government suggests to form a commission which will be composed of representatives of the two guarantor powers England and Italy and of a disinterested neutral third power.

6. Germany, Belgium and France are authorized to send one representative each to that commission. If on the basis of certain happenings Germany, Belgium and France believe to notice that changes have taken place in the military situation within this period of four months, they have the right to inform the guaranteeing commission of such observations.

7. Germany, Belgium and France agree in such a case to let this commission make the necessary investigations through the English and Italian military attachés and to have it report to the powers involved.

8. Germany, Belgium and France promise that they will consider to the full extent any criticism resulting from these investigations.

9. For the rest the German Government is willing on the basis of full equality, to agree, together with its Western neighbors to any military restrictions on the German western border.

10. Germany, Belgium, France and the two guarantor powers, under the leadership of the British government agree to enter immediately or at the latest after the outcome of the French elections into negotiations concerning the conclusion of a

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25 year non-aggression or security pact between France and Belgium on the one side and Germany on the other side.

11. Germany again agrees to England and Italy signing this security agreement as guarantor powers.

12. If any special military assistance obligations should arise from these security agreements, Germany is ready to take upon itself similar obligations.

13. The German Government herewith repeats its suggestion to conclude an air pact as a supplement and reinforcement of these security agreements.

14. The German Government repeats that it is willing to include the Netherlands into the western European security agreements if this nation wants to be included.

15. In order to attribute to this achievement of a voluntary guarantee of peace between Germany on the one side and France on the other side, the character of a reconciling end to a century-old enmity, Germany and France both promise, in the field of education of the youth of both nations as well as in official publications to direct their efforts towards avoiding everything which in the form of ridicule, contempt or un-called for intervention into the internal affairs of the other nation may be likely to spoil the attitude of the two peoples towards one another. They agree to form a common commission at the League of Nations in Geneva whose task it will be to submit any incoming complaints to the two governments for their information and investigation.

16. For the purpose of making this agreement a sacred treaty, Germany and France promise to have the two peoples ratify it through a plebiscite.

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17. Germany is ready to enter into negotiations with the states at its south-eastern and north-eastern border in order to invite them directly to conclude non-aggression pacts.

18. Germany declares to be ready to join again the League of Nations immediately or after the conclusion of these agreements. The German Government wants to repeat that it expects the question of colonial equality as well as the question of the separation of the statute of the League of Nations from its Versailles basis to be settled in due time by way of friendly negotiations.

19. Germany suggests to form an international court of arbitration which is to be competent for the maintenance of these treaties and the decisions of which are binding for all parties concerned.

After this great task of securing peace in Europe has been completed, the German Reich Government considers it imperative to undertake attempts to halt by means of practical measures any unrestricted armament race. It would consider this not only an alleviation of the financial and economic situation of the nations, but also psychological loosening-up of tensions.

However, the German Government does not expect any workable results from universal regulations, which would not have a chance from the very beginning and could only be suggested by those who have no interest in any practical results. On the other hand, it is of the opinion that negotiations and results achieved in the field of restricting naval armament could prove instructive and inspiring.

The German Government therefore suggest to convocate future conferences with, in each case, only one, but clearly defined task on the agenda. It considers it as the foremost task.

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to subject air warfare to that spirit of moral and human principles which, through the instrument of the Geneva Convention guaranteed special consideration to non-belligerents and wounded persons. In the same way as international conventions forbid the killing of defenseless wounded persons or prisoners, the use of dumdum weapons or the waging of submarine warfare without warning, a civilized mankind must succeed. Also with regard to new weapons in preventing possibilities of senseless unrestricted use of such weapons without defeating the purpose of waging war.

The German Government therefore suggests as the first practical tasks to be dealt with in these conferences:

1. to forbid the throwing of gas, poisonous and incendiary bombs;
2. to forbid the throwing of bombs of any kind on open inhabited areas which are outside the range of the medium artillery of the fighting fronts;
3. to forbid the bombardment of inhabited areas with far-reaching cannons outside of a fighting area of 20 kilometers;
4. to forbid and discontinue the building of tanks of the heaviest kind ;
5. to forbid and discontinue the heaviest kind of artillery.

As soon as there is a possibility for further restrictions of armaments resulting from these conferences and agreements, they are to be considered. Already at this point, the German Government is willing to join any such agreement as soon as it is given international validity. The German Government is of the opinion that even the first step towards disarmament will be of extraordinary importance for the attitude of the nations towards each other and thus also for the return

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of that state of confidence which constitutes the prerequisite for the development of commerce and prosperity.

In order to comply with the general desire for a restoration of favorable economic conditions, it is, therefore, ready in the spirit of the proffered suggestions immediately after conclusion of the political treaties to enter with the countries concerned into an exchange of ideas concerning economic questions, and to do everything in its power to contribute its share to improve the economic situation in Europe and that of world economy which is inseparable from European economy. With the peace plan as outlined above, the German Reich Government believes to have done its share for the reconstruction of a new Europe based on mutual respect and confidence between sovereign nations. Several opportunities to create peace in Europe to which Germany had been extending its hand have been missed during the past years. May this attempt to arrive at understanding in Europe finally be crowned with success.

The German Reich Government confidently believes to have paved the way by submitting the above peace plan.

Correctness of copy certified.

Heidelberg, 8 February 1948

signed: Eduard WÄHL

101 Professor of Law at the University of

Heidelberg,

special counsel of all defendants.

Reich Minister Dr. GÖTTBELL'S' appeal on the occasion of the German people's national holiday, on 25 April 1936, from the "Völkischer Beobachter" of 25 April 1936.

.....

Where else on this globe is there a state equally firm and secure as ours! While in other places countries and nations are often threatened by conflicts and divisions, nay, even by the danger of the sudden outbreak of anarchy, Germany has become an island of order and discipline, and the stronghold of peace. When on the Fuehrer's birthday, the young German people's army paraded before him, every German was overcome by a feeling of happiness, for the state and the people can now go about their work in peace, since they are again secure and protected by their own national force.

.....

Certified true copy
Heidelberg, 8 February 1948
signed: Edward MATH
Professor of law
at Heidelberg University,
Special Counsel of all Defendants.

The Fuehrer's proclamation on the occasion of the opening of the Reich Party Rally at Nuremberg on 9 September 1936, from the "Voelkischer Beobachter" dated 10 September 1936.

.....

Then, our adversaries thought it was impossible to accomplish the program of the year 1933, which to-day appears so small to us. What would they have said, had I placed the program before them, which the National Socialist government actually turned into a reality in the short four years elapsed since then?

How they would have mocked, had I stated on 30 January 1933 that after 4 years Germany would have reduced its unemployed from 6 millions to 1 million,

that an end would be made to forcible expropriations of German farmers, that the profits of German agriculture would be higher than during any one preceding year in times of peace,

that the total national income would rise from 41 billion to more than 56 billion annually,

that the German middle class and German craftsmanship would experience a new prime,

that commerce would recover,

that the German ports would no longer be like burial grounds of ships and that in 1936 alone, more than 640,000 tons of shipping would be under construction in German wharves,

that countless plants would not only double but triple the number of their workers, and that countless others would be newly constructed in the short 4 years,

that a Krupp-plant would again be trembling with the stamping and hammering of the machines working for Germany's new rise to power,

that, all these enterprises would, however, no longer look upon the unscrupulous profit of the individual as the supreme command guiding their efforts but direct those efforts towards service to the nation,

that the quiet automobile plants would not only be revived but enormously enlarged and

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that the output of motor vehicles would rise to approx. one quarter of a million from 45,000 of the year 1932, that in 4 years the deficits would be lifted from our Laender and cities,

that the Reich would have an increased revenue from taxes of almost 5 billions per year,

that the German Reich Bahn would at last be put on a sound financial basis, and that its trains would be the fastest in the world,

that the German Reich would get roads, of a size and beauty as have never yet been constructed since the beginnings of human civilization, and that from the first 7000 kilometers scheduled, more than 1000 kilometers would already be in use and more than 4000 kilometers would be under construction hardly 4 years later,

that enormous new housing projects with hundreds of thousands of houses would rise up, while in ancient cities of the Reich impressive new buildings would rise up, which were to be counted amongst the largest in the world,

that hundreds and hundreds of vast bridges would span ravines and valleys and that German culture will reassert its eternal values thus and in similar glorious new achievements,

that the German theatre will celebrate its resurrection, as will the performances of our German music,

and that the German people will take an active part in this revolutionary spiritual renewal.

.....

All these countless people, who now themselves had the opportunity to see the new Germany, will not be able to contest that, however, great and astonishing the rise of the German people, it was not accomplished at the expense of another people, for whom have we harmed in those 4 years? Whom have we robbed of anything?

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Which nation has lost anything through our rise? Why did our critics among the other nations not accomplish the same internal tasks everywhere as we did, instead of putting their belief in the depraved international agitators. Then we might particularly in Europe have a firmer community of nations, which through combined efforts could more easily control the common misery.

Since the National Socialist State is in no circumstances prepared to impose restrictions on the numbers of its population, but on the contrary is determined to increase the nation's natural fertility, we are compelled to consider and to weigh the consequences of this development in the future. Any considerable increase in the productivity of the soil is impossible, any considerable increase in our exports in the near future is hardly possible. It is therefore the duty of the National Socialist leaders of the State and of German economic life to inquire most carefully what necessary raw materials fuel etc, can be produced within Germany itself.

The foreign currency thereby saved ought in the future to serve as an additional safeguard for our food-supply and also for the purchase of those materials which in no circumstances can be produced within our country. And this I therefore proclaim to-day as the New Four Years Programme: within four years, Germany must be completely independent of foreign countries as concerns those materials which can somehow be produced by ourselves, be it through German skill, through our chemical machine or mining industries.

.....

This is the reason for the measures we took regarding the armed forces. These steps on the part of Germany increase or decrease proportional to the increasing or decreasing dangers surrounding us; for it does not give us pleasure to tie down the strength of our people within ornaments plants or

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barracks. Nevertheless, we are man enough coldly and sternly to face even that necessity.

And I want to say here, in this proclamation before the entire German people, that I am convinced of the necessity to safeguard Germany's external peace just like I assured its internal peace, and I shall not shrink from any measures which are not only to give a sense of security to the nation, but which above all, fill ourselves with the conviction, that the independence of the Reich is guaranteed under all circumstances.

.....
The German people, however, has no other wish than to live in peace and friendship with all those who want the peace and who do not interfere with us in our own country.

Certified true copy
Heidelberg, 8 February 1948
Signed: Eduard WAHL, LL.D.
Professor of Law at
Heidelberg University
Special Counsel of all Defendants.

Treaty between the Reich government and the Imperial Japanese government concerning their common defence against the Communist International (Anti-Comintern-Pact) dated 25 November 1936, from the "Reich Law Gazette" 1937, part II, page 28.

The government of the German Reich and the Imperial Japanese government, recognizing that the Communist International, the so-called Comintern, aims by all means at their disposal at the disintegration and subjugation of all existing states, and convinced that to tolerate any interference of the Communist International in the internal conditions of nations involves not only danger to their internal peace and social wellbeing, but threatens to the peace of the whole world, out of their desire to co-operate in the defence against Communist disintegration, have agreed on the following:

Article I.

The High Contracting Powers agree to exchange information on the activities of the Communist International, to confer on the necessary defence measures and to carry same out in close co-operation.

Article II.

The High Contracting Powers shall jointly invite third powers, whose internal peace is threatened by the undermining activities of the Communist International, to take defensive measures in the spirit of this pact, or to become a partner to this pact.

Article III.

The German as well as the Japanese text of this pact shall be considered valid originals. It comes into force on the day it is signed and shall be valid for a period of 5 years. The High Contracting Powers will communicate with each other in time well before the termination of that period concerning the further shape their co-operation is to take.

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In witness whereof the undersigned, well and truly authorized by their respective governments, have set their signatures and seals to this pact.

Thus executed with two copies in Berlin, on 25 November 1936 i.e. the 25 November of the 11th year of the Showa-period.

Signed: v. RIBBENTROP
Ambassador Extraordinary and Plenipotentiary of the German Reich

Signed: MURAKAWI
Imperial Japanese Ambassador Extraordinary and Plenipotentiary.

Supplementary protocol.

On the occasion of to-days signature of the pact against the Communist International, the above signed Plenipotentiaries have agreed upon the following:

- a) The competent authorities of both High Contracting Powers shall closely co-operate regarding, the exchange of information on the activities of the Communist International as well as regarding measures of investigation and defense against the Communist International.
- b) The competent authorities of the two High Contracting Powers will within the framework of existing legislation, apply stringent measures against persons, who either at home or abroad, are acting either directly or indirectly in the way of the Communist International or encourage its disruptive work.
- c) In order to facilitate the co-operation between the competent authorities of the two High Contracting Powers, as set forth in par.a), a permanent commission shall be set up. Any further defensive measures necessary for combatting the disruptive activities of the Communist International

(page 3 of original)

shall be considered and discussed by that commission.

Berlin, 25 November 1936, i.e. 25 November of the 11th year of the
Showa-period.

Signed: v. RIBBENTROP
Ambassador Extraordinary and Plenipotentiary of the German Reich.

Signed: MURAHASHI
Imperial Japanese Ambassador Extraordinary and Plenipotentiary.

Certified, true copy.

Heidelberg, 8 February 1948
Signed: Eduard WAHL
Professor of law
at Heidelberg University
Special Counsel of all Defendants.

Ambassador von RIBBENTROP's Address of 15 December 1935 before the Anglo-German Fellowship in London on Germany's equal rights regarding colonies, from the "Deutsches Nachrichtenbüro" dated 16 December 1935.

.....

But I want to make clear one thing, I even want to stress this especially: Germany by no means desires complete autarchy. You will ask: What then does Germany want? The answer to this is as follows: Germany wants once more to be a nation which is able to pursue its day's work without continuous economic worry. The Four Years Plan is a step in this direction. The Fuehrer, however, continues to consider the possession of colonies for the supply of raw materials on the one hand and world trade on the other as the two most important factors toward maintaining and raising the German people's standard of living. A reasonable solution to the colonial problem is therefore most desirable and if one takes the long view, in my opinion, this is all our interest.

.....

After Germany's re-entry into the circle of Great Powers it has got used to standing on its own feet. It will never permit anyone to threaten the security of its people. Independent and confident in its strength, however, it is to-day still prepared, as before, to co-operate on equal terms with other nations in the establishment of a durable peace in the world.

.....

Certified true copy
Heidelberg, 8 February 1948
Signed: Eduard WAHL
Professor of Law at
Heidelberg University
Special Counsel of all Defendants.

Speech by the Fuehrer's Deputy, Rudolf HESS, of 16 January 1937 on "The Nature and Activities of the NSDAP" held in Berlin before officers of a Wehrmacht course in national politics, from "Rudolf Hess, Speeches" (Munich 1938), page 223-250.

.....

The achievements of the new Reich regarding the nation's military training and the arming of its soldiers I don't have to demonstrate to you, - the officers of our Wehrmacht. The Fuehrer has made it his concern to see to it, that in case we are actually attacked by someone, no precious blood will have to be sacrificed, because of previous savings in money.

.....

Large scale armaments, however, may involve such a great risk to an aggressor, that in this way a war, with its enormous calls upon the life and property of the nation, may be avoided from the outset. Armaments on a small scale, on the other hand, may invite an attack rightout; this applies in particular where a foreign state has internal difficulties, is unable to cope with its unemployment, where the people is becoming more and more divided and the state succumbs to the temptation to divert attention from its internal difficulties by means of easily gained successes in war.

Certified true copy

Heidelberg, 8 February 1938.

Signed: Eduard WÄHL

Professor of law
at Heidelberg University
Special Counsel of all Defendants.

Speech of the Fuehrer and Reich Chancellor, held on 30 January 1937, on the occasion of the 4th Anniversary of the National Socialist Revolution, before the German Reichstag at the Kroll Opera House in Berlin, from "Reichstag Proceedings", vol. 459, page 2-17.

.....

This direction of our economy according to a plan finds its mightiest expression in the program of the Four Years Plan. By this means permanent employment in the internal cycle of our economy is guaranteed for the masses of German workers who will one day return from especially the armaments industry. At any rate, it is an indication of this our people's most gigantic economic development, that in many branches to-day, skilled workers are only to be obtained with great difficulty. I welcome this fact in particular because it helps me to bring the importance of the worker as man and employee into the right perspective, and because in consequence, even though for different motives, the welfare activities of the party and its formations meet with greater understanding and enlist increased and more willing support. As soon as we view the tasks of industry as involving such high responsibility towards the people, the former division in employers and employees vanished by itself.

.....

I want work and bread for my people, and that not only on a temporary basis through the granting of credits, for example, but through a firm, enduring flow of production, which I can either barter against the goods of the rest of the world or which I have to barter against our own products within the cycle of our own economy.

.....

I cannot build the German people's future upon the assurances of foreign statesmen concerning some kind of international aid, I can only build it upon the practical basis of current production, which I either have to market at home or abroad.

.....

The foremost task for us Germans is the execution of the Four Years Plan.

(page 2 of original)

It will demand a gigantic effort, it will, however, once one day be a great blessing for our people. It involves the strengthening of all the branches of our national economy. Its execution is guaranteed. Its aim will be to render the German people healthier and its life more pleasant. As an outward expression, however, of the great epoch of the resurrection of our people the planned reconstruction of some great cities of the Reich shall now begin, in the first place the reconstruction of Berlin which is to become the capital of the German Reich in the true sense of the word. Similar to our General Inspector of road construction, I have on this day, appointed a General Inspector of Construction for Berlin, who is responsible for the reconstruction of the Reich capital and who shall see to it, that Berlin's chaotic growth of buildings will be organized along grand lines, which shall do justice to the spirit of the National Socialist movement and the character of the capital of the German Reich. For the execution of that plan, a period of 20 years is provided. May the Almighty grant us peace, during which the gigantic task may be completed.

Certified true copy.

Heidelberg, 8 February 1948.
Signed: Edward WÄHL,
Professor of Law
at Heidelberg University
Special Counsel of all Defendants.

C.K. 33

The Fuehrer's and Reich Chancellor's statement of 23 February 1937 to the former Swiss Federal Councillor Schulthess, on Germany's relations to Switzerland, from "Voelkischer Beobachter" dated 27 February 1937.

The existence of Switzerland is a necessity for Europe. We want to live on the best of terms with it as good neighbors and to reach a loyal understanding with it on all matters. When in my latest Reichstag-speech I spoke of the neutrality of two countries, I purposely omitted to mention Switzerland, for its traditional neutrality, which has always been recognized by all the Powers and also by us, is not contested in any way. Come what may, we shall at all times respect Switzerland's integrity and neutrality. I am telling you this quite emphatically. I have never yet given cause to a different view.

Certified true copy

Heidelberg, 8 February 1948

Signed: Ewald WAHL

Professor of Law

at Heidelberg University.

Special Counsel of all Defendants.

Public announcements dated 8, 10 and 14 June 1937 on Reich Foreign Minister, Freiherr von NEURATH's visit to Belgrade (7-9 June), Sofia (9-11 June) and Budapest (11-14 June); from the "Völkischer Beobachter" of 9, 11 and 15 June 1937.

The German Reich Foreign Minister Freiherr von NEURATH paid a visit to the Royal Yugoslav government in the time from 7 to 9 June.

The repeated meetings between the Reichminister and the Prime Minister and Foreign Minister Dr. STOJADINOVICH afforded a welcome opportunity for a thorough discussion of all questions of mutual interest to Germany and Yugoslavia. The discussions between the two statesmen, which took place on the basis of sincere mutual confidence, showed that harmony existed in their views concerning the political situation and the benefits of peaceful co-operation between the two states. The talks reaffirmed the desire and will present on both sides, to bring about closer mutual relations thereby serving the interest of general peace.

The Reich Minister's visit in the Yugoslav capital thus strengthens the conviction on both sides, that the policy of the two states is directed towards the same aim and forms an important contribution to the pacification of Europe.

Freiherr von NEURATH arrived in Sofia on 9 June in order to pay a visit of several days to the Royal Bulgarian government. His Majesty, the King of Bulgaria received Freiherr von NEURATH in audience on 10 June. Several discussions further took place between the German statesman and the Bulgarian Prime Minister and Foreign Minister KJOSSEIVANOV. The friendly and open manner which characterized these discussions corresponded to the cordial relations which have become a longstanding tradition between both countries.

A large part of the talks was devoted to the discussion of problems of foreign policy, which were of importance for the European peace in general.

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and for the two countries in particular. Complete harmony of views was found to exist on all these questions, both parties at the same time expressing their strong desire to further, deepen and strengthen their friendly relations in the interest of both nations. The co-operation already existing in the economic and cultural spheres was to be further enlarged and strengthened in accordance with the desire expressed on both sides.

The German Foreign Minister's visit in Sofia was not only a tangible expression of the friendly relations between Germany and Bulgaria, but beyond that, was a further step toward pacification among the nations and a new valuable contribution to general peace.

The German Reich Foreign Minister Freiherr von NEURATH paid an official visit to the Hungarian government in Budapest from 11 - 14 June. On the occasion of this visit, which served to confirm and visibly demonstrate the sincere and friendly relations in existence between Hungary and Germany, the German Reich Foreign Minister Freiherr von NEURATH had repeated talks with the Hungarian Prime Minister KOLOMAN von DARANYI and the Hungarian Foreign Minister KOLOMAN von KANYA.

In the course of these discussions which were carried on in a spirit of mutual confidence, the German and Hungarian statesmen examined all problems of European politics and in particular questions of immediate interest to Germany and Hungary.

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On the occasion of these talks, particular satisfaction was taken in expressing the full harmony in existence between the two governments regarding the fact that their countries reject any attempts aiming at the formation of blocks and will, while serving the cause of peace, also in future continue on the path pursued by them up to the present, namely instead of erecting barriers between states, to aim at a levelling out of the interests concerned and to strive for a final pacification.

The discussions further offered the opportunity to state that the concepts of the two governments on the other problems under discussion were also in complete harmony and that both governments were determined that the friendly relations, which continue to exist unchanged between Germany and Hungary shall be even further developed for the achievement of their peaceful aims.

Certified true copy

Heidelberg, 8 February 1948

Signed: Edward WAHL

Professor of Law

Special Counsel of all Defendants.

From the "Völkischer Beobachter" of 12 July 1937.

The German-French Trade Agreement, Satisfaction on both sides.

Starting point for the development of economic relations.

Report of the "Völkischer Beobachter"

Paris, 11 July.

The new German-French Trade agreement which terminates a two year interim period during which no treaties existed and which, after months of negotiations in Berlin and Paris was signed at the French Ministry of Commerce on Saturday afternoon, satisfies both sides. This is the best criterion for such an international economic agreement and the best guarantee for its efficient practicability.

The agreement on the one hand works in favor of the German shortage of foreign exchange and the demand for ores and other raw materials, but also gives sufficient consideration to France's need to export finished goods, wine and champagne. The system of payment by way of clearing through the Paris office of Franco-Allemand, a procedure through which much time was lost, ^{is replaced by} a free and direct system of payments by way of Reich Bank checks on the Bank of France.

Like the agreement on quotas, the trade agreement too has been validated for a period of two years; however, the quotas may be changed after 12 months. It comes into force on 1 August but is valid only until 30 June 1939, i.e. one month before the expiration of the second year, in consideration of the fact that quotas expire on that day.

Therefore the Reich will utilize the new quota as from next Monday.

The Communiqué.

The official press communiqué pertaining to the signature

(page 2 of original)

of the German-French Trade agreement reads as follows:

On 10 July 1937, at 12 o'clock noon, a new treaty was signed at the Quai d'Orsay in Paris which represents the conclusion of months of negotiations between the two governments in Paris and Berlin. It pertains to the future regulation of economic and financial relations between Germany and France.

The German ambassador in Paris, Count 'ELOGER and the leader of the German delegation, Dr. HERLEN of the Foreign Office, signed for Germany and the French Foreign Minister, Yvonne BELLOC, the new Minister of Commerce, CHAPPEL, and the Director for Commercial Problems, Hervé ALPHAND, signed for France.

The new agreements come into force on 1 August and cover a period of two years. They replace the old clearing agreement pertaining to goods and funds of 1934, which, as is well known, has been in the process of liquidation since 1 August 1935.

Exactly after two years now a truly one-sided arrangement has been replaced by a system of treaties of which one may expect that it will bring about a new period of friendly and economically profitable relations between the two countries, in a spirit of understanding and mutual respect of the just interests of the other, an attitude which has inspired both parties throughout the long and difficult negotiations. The treaty includes a new agreement on goods to which have been added lists containing reciprocal customs concessions and conditions even beyond the most-favored-nation clause. Furthermore, it contains quotas for German exports to France which restore the conditions as they existed in 1934, i.e. before the liquidation.

As far as imports from France into Germany are concerned, the delivery of raw materials from France could be increased considerably, whereby, however,

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guarantees have been made to take into account French export policies in general.

Insofar as the trade agreement on goods is concerned the

Exchange of French iron ore for German coke,

an Agreement which has been found in a manner satisfactory to both parties, is of special importance. The deliveries of timber from French colonies are also satisfactory. With regard to payments, the old system of balancing the exchange of goods by way of settlement, is replaced by a system of cash payments in both directions in foreign exchange so that payments for German exports to France will be made in full in foreign exchange to the Reichsbank. Furthermore, the excess amounts resulting from a surplus of German exports to France will be utilized for the payment in France of the interest charges for the Dawes and Young plan. Furthermore, the surplus is utilized for the payment of all other German obligations toward France, particularly those which arose in connection with the return of the Saar territory, for the payment of interest and redemptions, furthermore patents, licenses, artists' fees, authors' rights and ship tickets, Germany's relations to the French colonies and mandates have also been regulated on the basis of the most-favored-nation clause and thus an opportunity was created for the development of transactions on the basis of compensations. The well-known travel Agreement for visitors to the Paris world's fair in Paris, in which additional quotas were fixed for the German export to France, has also been added to the treaty.

It is of particular importance that the representatives of German firms will be able to enter and settle in France without any difficulties in the future. Entry, residence and working permits have been secured for those employees of German firms now residing in France. Special simplified regulations have been made for admissions of

(page 4 of original)

more people within the framework of the re-establishment of economic relations between the two countries.

The carrying out of the new agreement will be supervised by a committee formed by both governments, for which the two governments will appoint the two main negotiators as chairman, Dr. REMEN for Germany and Director ALPHAND for France.

Closer Cooperation also in other than economic spheres.

On the occasion of the signing of the German-French Trade agreement the French Minister of Commerce, Mr. CHAPSAL gave a luncheon in his ministry which was attended by Ambassador Count WELCZEK, who represented Germany; France was represented by Messrs. MONNET, the Minister of Agriculture, MOUTET, the French Colonial Minister, LAFAYETTE, the Governor of the Bank of France and LEGER, the Secretary General of the Quai d'Orsay. Furthermore, the German and French Economic delegations attended in full.

The Minister of Commerce, Mr. CHAPSAL welcomed the guests in the name of the French Government and emphasized in his Address the significance of the treaty. He said that it represented not only a trade agreement but a whole system for the regulation of the economic relations of both countries.

He expressed his appreciation to both delegations for their services and in conclusion expressed the hope that the agreements just signed would form the basis for the development of economic relations as well as for closer cooperation in other spheres.

The German Ambassador Count WELCZEK then delivered the following address:

"The task which our two delegations had to master was a difficult one. All those present here will certainly agree with me, that the negotiations pertaining to the German-French exchange of goods

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often involved particularly difficult problems, and problems which in fact were often right outside the sphere of the ordinary negotiations pertaining to the interchange of goods.

If our hopes are to be realized and if the agreement is to benefit not only one of the parties but rather both countries equally, then we will have created the best basis for improving and stabilizing political relations between Germany and France - in accordance with the wish of our two peoples.

To this I add the desire that the Agreement may fulfill all hopes placed in it and that it may greatly help to bring closer these two great neighborly countries, Germany and France".

I certify the correctness of this copy.

signed: FRIEDRICH

(Dr. Julius FRIEDRICH)

Assistant Counsel of all Defendants.

Speech of the Fuehrer and Reich Chancellor on the Bueckeberg
on the occasion of the Harvest Festival on 3 October 1937 -

"Voelkischer Beobachter" of 4 October 1937.

.....
We have no desire to pick a quarrel with anyone. But we also want
everybody to know: We alone will reap the harvest in the garden
which we cultivated and nobody must think he can break into this
garden - ever! Those Moscow criminals, they'd like that - to ruin
everything! And then, when they finish eating bare one country like
locusts they go to another and start all over again in another
country. I might as well tell these international Jewish-bolshevist
leaders that, wherever they might go - when they get to the German
frontier, they will be halted most emphatically! Germany will
preserve her liberty, independence and her security, and thus her
Kultur and her life. If all of us, in town and country, thus stand
together and if every one does his duty decently wherever he may
be and if he thinks not only of himself but also of his fellow
men, when he has them in mind - then, believe me, nothing can happen
that might ruin us in any way, that could break or kill us. We
shall continue to exist, in the next years and in the decades to
come.

.....

This copy certified correct.

Heidelberg, 8 February 1948

signed: Eduard WAHL

Professor of Law at the University
of Heidelberg.

Special counsel of all defendants.

German note on the inviolability of Belgium, of 13 October 1937;
 "Voelkischer Beobachter" of 14 October 1937.

Foreign Office

Berlin, 13 October 1937

Sir:

In the name of the German Government I have the honor to inform
 your excellency of the following:

The German Government has taken special interest in the open de-
 claration which the Belgian Government has made with respect to
 the clarification of Belgium's international position.

The German Government once more stated its attitude in this respect
 which attitude had also been expressed in the declaration of the
 German Reich Chancellor in his speech of 30 January 1937.

Also, the German Government acknowledged the statement of 31 April
 1937 made by His Britannic Majesty's Government and the French Govern-
 ment.

With due respect to the fact that the conclusion of a treaty which
 is to replace the Treaty of Locarno will still consume a con-
 siderable amount of time, - and motivated by the desire to strengthen
 the peaceful intentions of both countries, the German Government
 considers it proper to state clearly at this juncture its attitude
 towards the Belgian Government.

It makes the following statement to this end:

1. The German Government has taken note of the attitude which
 the Belgian Government expressed on the strength of its own
 competency, to the extent
 - a) that, based upon its sovereignty, it intends to conduct a
 policy of independence
 - b) that it is determined to defend the frontiers of Belgium with
 all means at its disposal against any attackers or invaders
 and to prevent the utilization of Belgian territory for an
 attack against another country, or as transit territory or as
 an operational base on land, at sea

(page 2 of original)

or in the air - and that the Belgian Government is determined to effect an efficient organization of the defense of Belgium for these purposes.

2. The German Government wishes to state that all Western powers are interested in the inviolability and integrity of Belgium. It confirms its decision not to affect in any circumstances that inviolability and integrity and to respect the Belgian territory, except, of course, if Belgium should participate in an armed conflict in which Germany is involved and in a military action directed against Germany.
3. The German Government like His Britannic Majesty's Government and the French Government, is prepared to grant Belgium assistance if it should become the object of an attack or an invasion.

I take the opportunity to etc.

signed: Freiherr von NEURATH.

This copy is certified correct

Heidelberg, 8 February 1948

signed: Eduard WAHL

Professor of Law at the University of Heidelberg

Special counsel of all defendants.

Essay by Reich Foreign Minister Freiherr von NEURATH on "The Meaning of the German-Italian friendship", of 25 October 1937, from "New York Journal and American" under the title "NEURATH analyzes HITLER-MUSSESS talks", New York Hearst paper of 25 October 1937, "Voelkischer Beobachter" of 27 October 1937.

.....

The real aim of both countries has been defined clearly by both statesmen. It is "a really successful peace which does not ignore silently the problems which arise out of international relations of nations but which solves these problems". Thus the HITLER-MUSSOLINI meeting and the international meeting on the May-field became an appeal to all constructive and cooperative forces in the rest of the world.

This copy is certified correct

Heidelberg, 8 February 1948

signed: Eduard VAHL

Professor of Law at the University of
Heidelberg

Special counsel of all defendants.

German-Polish Accord on the Treatment of Minorities
in "Völkischer Beobachter" of 6 November 1937:

In a friendly exchange of views, the German and Polish Governments have had an opportunity of discussing the position of the German Minority in Poland and the Polish Minority in Germany. They are in complete agreement that the treatment of these minorities is a matter of great importance for the further development of friendly neighbourly relations between Germany and Poland, and that in both countries the well-being of the minority is better protected when it is certain that the same principles will be observed in the other country. For this reason the two Governments declare with satisfaction that their two States, each within the limits of its own sovereignty, regard as essential the following guiding principles:

1. Mutual respect for German and Polish nationality naturally should exclude any attempt to assimilate the minority by force, to question the character of the minority, or to hinder the individual's right to claim membership in a minority. In particular, neither Government will put any pressure on young members of the minority to estrange them from the ethnic group to which they belong.
2. Members of the minority have a right to the free use of their mother tongue in speech and writing, in their personal and economic relations, in the Press, and in public meetings. The use of their mother tongue and national customs, either in private or public life, shall not entail any disadvantages for them.
3. The right of members of the minority to unite in associations of a cultural or economic nature is guaranteed.
4. The minority may establish and maintain schools employing its own language. In the religious sphere members of the minority are granted the right to use their mother tongue in their church organizations and in the practice of their religion. There will be no interference by the authorities with existing institutions in the sphere of confession or of charitable activity.

(page 2 of original)

5. The members of a minority may not, solely on account of such membership, suffer any obstruction or disadvantage in the choice or in the exercise of their profession or commercial activity. In the economic sphere members of a minority shall enjoy the same rights as the nationals of the State, especially in the possession or acquisition of property.

The above principles can in no way affect the duty of the minorities to give complete loyalty to the State to which they belong. They have been inspired by a desire to guarantee to minorities just conditions of life and a harmonious collaboration with the nationals of the State in ~~with they live~~ ~~can state~~ of affairs which will contribute to the progressive strengthening of the friendly and good-neighbourly relations between Poland and Germany.

A certified true Copy

Heidelberg, 8 February 1949

signed: Eduard WAHL
Professor of Law University of
Heidelberg
Special Counsel of all Defendants.

Statement by the Fuehrer and Reich Chancellor to three representatives of Polish minorities, Dr. Jan KACZMAREK, Stefan SZCZEPANIAK, and Dr. Bronislaw von CPERKOWSKI, at their reception in Berlin on the occasion of the German-Polish Minority Agreement of 5 November 1937 - "Voelkischer Beobachter" 5 November 1937.

The identical German-Polish Declaration on the reciprocal protection of foreign national groups which is published to-day by both countries should improve and strengthen the friendly relations between the two countries. The practical enforcement of the principles contained in this Declaration can substantially contribute to the attainment of this goal.

The effort of the German Government is directed towards creating a harmonious and internally peaceful co-habitation of the Polish national group with the German people of the Reich.

I assert that the intention of the German Government to create bread and work for every citizen of the Reich holds good also in the case of the members of the Polish national group and is being put into effect. In a period of widespread unemployment and great privations to which members of the German national groups in Europe are still often exposed, the Polish national group has its full share in the economic revival of the Reich. Similar forward steps have been made in the cultural activity of the Polish national group, as is proved by the many-sided organizations which they have established, and recently by the erection of an additional Polish high school in Germany. The Poles in Germany, must, however, always remember that the granting of rights to protection must be met on their part by a corresponding loyalty in the fulfilment of duties owed to the State and by obedience to the laws.

The protection of the German national group in Poland especially in its right to work and to remain upon its inherited lands will also contribute towards the security of the Polish national group in Germany.

(page 2 of original)

The high purpose of the Pact which I formerly concluded with the great head of the Polish State, Marshal Josef PILSUDSKI, through this common German-Polish Declaration on the Minorities Question is thus brought nearer to its realization.

This copy is certified correct

Heidelberg, 8 February 1948

signed: Eduard WAHL

Professor of Law at the University of
Heidelberg

Special counsel of all defendants.

CERTIFICATE OF TRANSLATION

21 April 1948

We, hereby certify that we are a truly appointed translators for the German and English languages and that the above are a true and correct translation of the document book Foreign Policy, Part I.

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"END"

Case 6
Defense

MILITARY TRIBUNAL

Case VI

DOCUMENTS

to

GERMAN FOREIGN POLICY

Introduced for the Purpose of proving the German
People's Ignorance of HITLER's plans to wage
aggressive wars.

Part II.

Submitted by Defense Counsel

Dr. Conrad BOETTCHER

Long



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Official German and Austrian communication concerning the equality of rights of the Austrian national socialists in Austria dated 18 February 1938. -

"Voelkischer Beobachter" - 19 February 1938.

In accordance with the agreement reached between the Fuehrer and Reich Chancellor and Dr. Schuschnigg, the Federal Chancellor, on the 12 February at Berchtesgaden, it will now be legal for Austrian national socialists to be active in the Vaterlaendische Front and all other Austrian organizations. However, this activity is only possible on the basis of the constitution which now as before excludes political parties, on the same footing as all other groups. In enforcing the existing restrictions the Reich is adopting measures which exclude Party offices from interference in internal Austrian affairs, in order to contribute in this way also to peaceful developments.

This copy is certified correct
Heidelberg, 8 February 1948

signed: Eduard Wahl
c. r. Professor of Law at the
University of Heidelberg
Special counsel of all defendants

Speech made by the Fuehrer to the German Reichstag
in the Kroll Opera House in Berlin
on 20 February 1938 -

"Verhandlungen des Reichstags, Vol. 459, pages 21 - 43. ..

.....

"The Polish State respects the national relations of Danzig, and Danzig and Germany respect Polish rights. So it was possible to find the way to an understanding in spite of attempts to disturb it, and, beginning with Danzig, to remove difficulties in relations between Germany and Poland, thus arriving at a sincere spirit of friendly co-operation."

"I am happy to be able to tell you, gentlemen, that during the past few days a further understanding has been reached with a country that is particularly close to us for many reasons. The Reich and German Austria are bound together not only because they are the same people, but also because they share a long and common history, and a common culture."

"The difficulties which had been experienced in carrying out the agreement of 11 July (1936) compelled us to make an attempt to clear out of the way misunderstandings and hindrances to a final conciliation. Had this not occurred, it was clear that an intolerable situation might one day have developed, whether intentionally or otherwise, which might have brought about a very serious catastrophe. It is then as a rule no longer within the power of man to stay the course of a destiny that first arose through negligence or stupidity! I am glad to be able to assure you that those considerations corresponded with the views of the Austrian Chancellor whom I invited to come to visit me. The idea and the intention were to bring about a relaxation of the tension in our relations with one another by giving under the existing legislation the same legal rights to citizens holding National Socialist views as are enjoyed by the other citizens of German Austria. In conjunction with this there should be a practical contribution towards peace by granting a general amnesty, and by creating

- 2 -

Speech made by the Fuehrer to the German Reichstag
in the Kroll Opera House in Berlin on the 20 February
1938,
"Verhandlungen des Reichstags, Vol. 459, pages 21-43.

a better understanding between the two States through
a still closer friendly co-operation in as many
different fields as possible - political, personal,
and economic - all complementary to and within the
framework of the Agreement of 11 July."

"I want to express in this connexion before
the German people my sincere thanks to the Austrian
Chancellor for his great understanding and the warm-
hearted willingness with which he accepted my
invitation and worked with me so that we might dis-
cover a way of serving the best interests of the
two countries, for after all, it is the interest of
the whole German people, whose sons we all are,
wherever we may have been born."

"I believe that in reaching this mutual
understanding we have also made a contribution to
European peace."

"The best proof that we are right in this suppo-
sition is the rising fury of democratic world citizens
who are always talking about peace, and yet who let
no opportunity pass of inciting to war. They are
angry with, and infuriated by, this work of under-
standing. It is therefore a permissible conclusion
that our work was good."

"Perhaps this example will be helpful in gradually
bringing greater relief to the tense situation in
Europe. Germany is willing, in any event, supported
by her friendships, to leave nothing untried in
order to preserve that greatest blessing, that blessing
that is the basis for every future work, namely, peace."

"I can assure you, gentlemen, that our relations
with the other European Powers, as well as with the
States outside Europe, are either normal or else
very friendly."

"I need only point to our especially warm friend-
ship with Hungary,

- 3 -

Speech made by the Fuehrer to the German Reichstag
in the Kroll Opera House in Berlin on the 20

February 1938, -

"Verhandlungen des Reichstags", Vol. 459, pages 21-43

Bulgaria, Yugoslavia, and many other States. Our
foreign trade balance has given you an impressive
picture of our economic co-operation with the
other peoples!"

"But above all stands our co-operation with
those two great Powers who have recognized a
world danger in Bolshevism, just as Germany has,
and are determined to unite their strength in
common defence against the Comintern movement."

"That this work of co-operation with
Italy and Japan may ever become closer is my sincere
desire. In addition, we are happy for every relief
of tension that can be effected in the general
political situation. For however great may be the
achievement of our people we are not in doubt that
general prosperity would be increased if a closer
international co-operation could be secured."

.....

This copy is certified
correct

Heidelberg, 8 February 1948

signed: Eduard Wahl

~~Prof.~~ Professor of Law
at the University of Heidelberg

Special counsel of all
defendants

Declaration by the Austrian national socialists
concerning Schuschnigg's "Plebiscite" of the 10 March
1938 -
"Deutsches Nachrichtenbuero" (German News Agency)
reports from 9 to 15 March 1938 (Berlin 1938, pages 16 f.
"Völkischer Beobachter" dated 11 March 1938.

We are directing our supporters to refrain
from casting votes at the plebiscite on Sunday. We
have decided on principle to abide by the agreement
of the 11 July 1936 and by that of the 12 February
1938. But we are not prepared to announce our decision
in this form. Furthermore, the manner in which the
plebiscite was introduced can only be described by an
expression which I prefer not to use. It was decided
upon without reference to the cabinet and behind its
back. The entire manner in which the plebiscite is
to be carried out makes it possible for one person to
cast several votes and gives the officials of the
Vaterländische Front unrestricted control of the voting,
so that the way is open to every sort of abuse.

This copy is certified correct
Heidelberg, 8 February 1948
signed: Eduard Wahl

~~Dr. Wahl~~ - Professor of Law at the
University of Heidelberg
Special counsel of all defendants

So würden unsere Truppen in Österreich ankommen



Endloser Jubel Grenzenlose Begeisterung

in Kufstein, Innsbruck, Salzburg, Linz und Wien

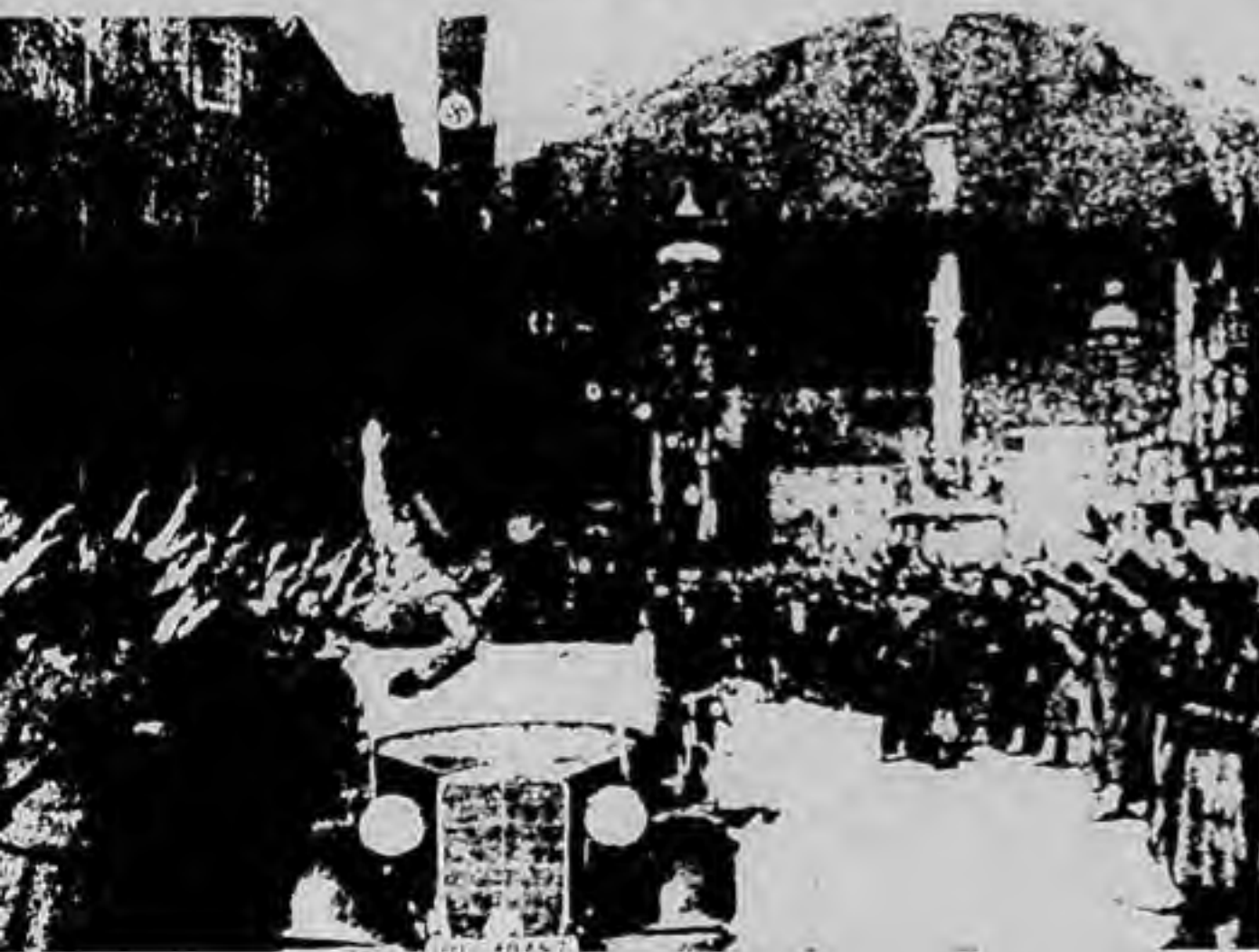


Unsere Truppen in Österreich aufgenommen

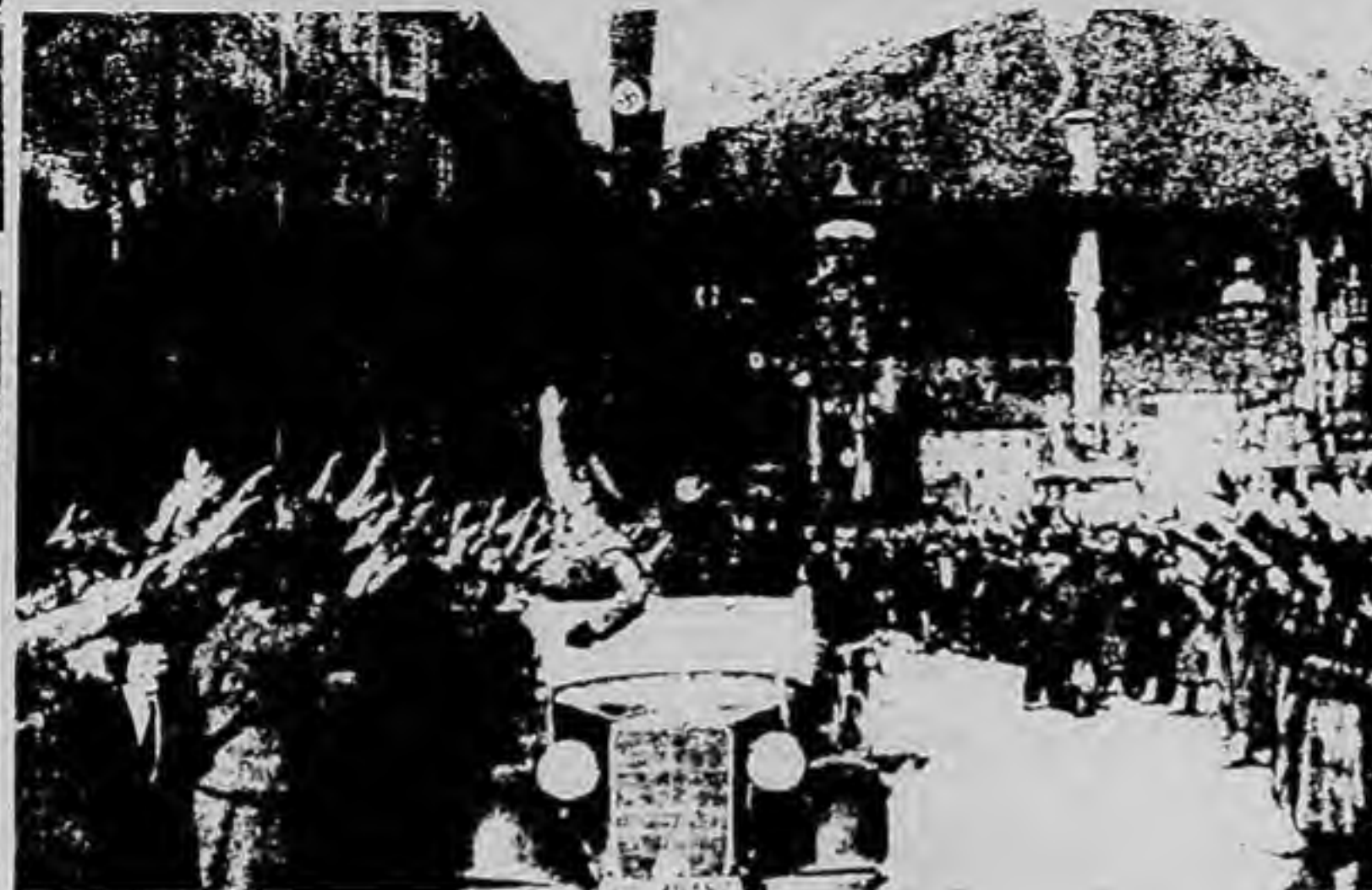


Endloser Jubel Ungeheurer Begeisterung

Salzburg, Innsbruck, Salzburg, Linz und Wien



in Kufstein, Innsbruck, Salzburg, Linz und Wien



The dramatic hours before Schuschnigg's resignation, described in the following terms by Minister Dr. H.C. Gleise-Horstenau, from his own experiences:

in the "Völkischer Beobachter" 17/18 April 1938.

"We (Minister Gleise-Horstenau and Seyss-Inquart) discussed the situation and at 10 a.m. visited the Federal Chancellor. We demanded that he refrain from putting his intended referendum into effect and substitute it by a plebiscite to be held six weeks later after an appropriate election campaign which would really give the people an opportunity to decide, whereby the strictest secrecy should be observed and the strictest control exercised. The Chancellor received us in a somewhat irritated frame of mind, and had still by no means realized the gravity of the situation. Dr. Seyss-Inquart, who had only lately heard of Schuschnigg's intentions, pointed out expressly the dangers threatening home politics. Bürgermeister Schmitz had urged the socialists and communists in plants; he had said that canvassing activity for the plebiscite planned by the Chancellor would flare up and inevitably call out the national socialists, who could not approve of the action directed against them and Germany, and there would be civil war. I stressed the enormous foreign political dangers which such a development was bound to entail. Just as in July 1914 Austria would become the starting-point of a world war - the only difference was that then the aim was the survival of a large and respected state, the survival of which was of vital importance, was at stake, an aim which is by no means comparable to the present state of affairs.

The Federal Chancellor remained obstinate in particular he did not understand, - or did not want to understand - the situation which his conduct in connection with Berchtesgaden must necessarily cause in Berlin. In reply to Seyss-Inquart's remonstrance that in the eyes of the people the government had lost all prestige, he declared himself to be prepared merely to permit the use of two voting slips, one labelled "For Austria with Schuschnigg" and the other "For Austria without Schuschnigg". We were of course not satisfied with these concessions. We left after discussions lasting an hour and a half, without having reached a decision.

- 2 -

The dramatic hours before Schuschnigg's resignation, described in the following terms by Minister Dr. h.c. Gleiss-Horstensau, from his own experiences:

in the "Volksischer Beobachter" 17/18 April 1938.

At noon Dr. Seyss, Major Klausner (Regional chief of the Austrian NSDAP) and I looked down on the square from an office "Am Hof". The sky was grey. A gale whirled into the air all the propaganda leaflets for the Vaterlaendische Front which covered the ground. Trucks reared by filled with people with raised arms and clenched fists, shouting "Long live Schuschnigg" and even "Long live Hesseu". Burgermeister Schmitz' campaign had begun. The scene reminded me vividly of pictures I had seen of November 1918. The dreadful and depressing atmosphere of war was in the air. Not without reason, as was later proved, the three observers discussed the possibility of being arrested at any moment and the consequences which might attend such arrests. Seyss and I composed a letter to the Federal Chancellor in which we again stated our demands of that morning and demanded an answer by two o'clock in the afternoon, saying that if this were not done we should be forced to hand in our resignations to the Federal President (Mikles). Schuschnigg received this letter at one o'clock. An hour later we were met at the Ballhausplatz by two ministers who were to offer us another compromise on behalf of the Chancellor. We would not consider such a solution. The two ministers left without having settled their business and a few minutes later Schuschnigg^{repeated} in the pillared hall of the Kaunitz Palace and informed us that he was yielding to our pressure and was cancelling the intended plebiscite. His position had of course become untenable. After a private conversation which he had half an hour later with Dr. Seyss-Inquart, Schuschnigg resigned.

- 3 -

The dramatic hours before Schuschnigg's resignation, described in the following terms by Minister Dr. h.c. Gleise-Horstenau, from his own experiences in the "Volksischer Beobachter" 17/18 April 1938.

Dr. Seyss-Inquart, who had during the whole period proved himself the unrivalled master of the situation, undertook the formation of a new government."

This copy is certified correct

Heidelberg, 8 February 1948

signed: Eduard Wahl

~~Dr. Wahl~~ Professor of Law
at the University of Heidelberg
Special counsel of all defendants

Official announcement concerning the appointment of Dr. Seyse-Inquart as Austrian Federal Chancellor on the evening of 11 March 1938, reported in the "Völkischen Beobachter" of 12 March 1938.

Owing to the gravity of the internal political situation the Federal President has entrusted Federal Minister Dr. Seyse-Inquart with the leadership of the Federal Chancellery, in the interests of maintaining peace and order.

This copy is certified correct
Heidelberg, 8. February 1948
signed: Eduard Wahl

Professor of Law at the
University of Heidelberg
Special counsel of all defendants

Telegram sent by the Austrian Minister of the Interior Dr. Seyss-Inquart to the Fuehrer on 11 March 1938. -

"Völkischer Beobachter", 12 March 1938.

The provisional Austrian government, after the resignation of Schuschnigg's government, has the task of restoring peace and order in Austria and earnestly requests the German government to support it in its task and to help it prevent bloodshed. To this end it requests the German government to send German troops as soon as possible.

(signed:) Seyss-Inquart

This copy is certified correct
Heidelberg, 8 February 1948

signed: Eduard Wahl
Professor of Law at the
University of Heidelberg
Special counsel of all defendants

Radio address given by the Austrian Minister of the Interior Dr. Seyss-Inquart in the evening of ~~11 March 1938~~ "Vöelkischer Beobachter", 12 March 1938.

Men and Women of Austria, German Volksgenossen,

In view of today's events and with particular regard to the events which we may now expect, I wish to state that as before, I still hold the office of Minister of the Interior and Minister of Security and feel myself responsible for the maintenance of peace and order in this country.

I charge you all to preserve that peace and order. This means enduring the next hours and days steadfastly. If any demonstrations occur, they must never assume the character of riots. I charge especially the National Socialist police and security units to see to it that peace and order are maintained everywhere and to exert influence in this direction on all those who share the same views. I expect them to support without reservation the executive branch of the government and to place themselves at the disposal of the executive branch. In particular I remind you that any kind of resistance against the German army which is now entering Austria is entirely out of the question, not even on the part of the executive branch, but that the most important duty is the maintenance of peace and order in this country. Be patient, unite and help, in order that we may work towards a happy future.

This copy is certified correct
Heidelberg, 8 February 1948
signed: Eduard Wahl
~~Professor~~ Professor of Law at the
University of Heidelberg
Special counsel of all defendants

Fuehrer Proclamation to the German People, on 12 March 1938, Published in the "Voelkischer Beobachter" of 13 March 1938.

Germans!

It is with the deepest sorrow that for years past we have watched the fate of our fellow-countrymen in Austria. Austria from ancient times has formed part of the German people; the two countries have shared a common destiny. That eternal historic association was broken only by the war of 1866 but was sealed afresh in the World War. The suffering which was inflicted on this country first from without and later from within we felt as though it were our own, just as we know that for millions of German Austrians the misfortune of the Reich caused a like concern and sympathy.

At the time when in Germany thanks to the victory of the National Socialist idea the nation once more found its way to the proud self-consciousness of a great people there began in Austria a new period of suffering and bitter trials. By the most brutal methods of terrorism, of bodily and economic torture and annihilation, a regime which lacked any legal mandate sought to maintain an existence which was condemned by the overwhelming majority of the Austrian people. Thus we, as a great people, had the experience of seeing more than six million people of the same stock as ourselves suffering oppression at the hands of a numerically small minority simply owing to the fact that this minority had gained possession of the means necessary to enforce its will. From this deprivation of political rights and coercion there arose an economic decline which stands in terrible contrast with the development in the new Germany.

Who can blame these unfortunate members of our German people if they cast longing eyes to the Reich - to that Germany with which their ancestors had been associated for so many centuries, with whose citizens they had fought shoulder to shoulder in the cruellest of all wars, whose civilization was their civilization, and to which they had made in so many spheres contributions of their own of the highest value? To suppress this sentiment was to condemn hundreds of thousands to profound mental suffering.

(page 2 of original)

If some years ago this suffering was still borne in patience, with the rise in prestige of the Reich the will to end the oppression grew ever stronger.

Germans! I have of recent years sought to warn the former rulers of Austria from pursuing this path. Only a madman could believe that it was possible permanently through oppression and terrorism to rob men of their love for the people of their birth. The history of Europe proves that in such cases one breeds only a greater fanaticism. This fanaticism then compels the oppressors to resort to ever stronger methods of violence, and these in turn do but increase the loathing and the hatred of the victims.

I have further tried to persuade the responsible authorities that in the long run it is impossible for a great nation, because it is unworthy of it, to have to stand by and watch those belonging to the same people as themselves being continually oppressed, persecuted, and imprisoned solely because of their origin or of their allegiance to this people or on account of their association with an idea. Germany alone has been forced to receive over 40,000 fugitives, 10,000 others within this small country have passed through prisons, dungeons, and concentration camps, hundreds of thousands have been reduced to beggary, to misery, and poverty. No nation in the world would be able permanently to tolerate these conditions on its frontier without being itself despised - and that deservedly.

In the year 1936 I endeavoured to find some way which might afford a hope of alleviating the tragic fate of this German brother-country so that one might perhaps reach a real conciliation.

The agreement of the 11th of July (1936), however, was signed only the next moment to be broken once more. The majority of the population remained without rights: their unworthy position of being pariahs in this State was not abolished.

(page 3 of original)

He who openly professed his allegiance to the life of the German people continued to be persecuted whether he was a National Socialist worker on the roads or an old leader of the army in the World War who had proved his worth.

I then tried for a second time to bring about an understanding. I endeavoured to make clear to the representative of this regime - who when compared with myself, the Leader chosen by the German people, possessed no legitimate mandate of his own - I endeavoured to make it clear that this state of affairs, if it continued, could not be maintained, since the increasing exasperation of the Austrian people could not be suppressed for ever by increasing violence and that the moment was bound to come when it would also be intolerable for the Reich to stand by any longer in silence in the face of such oppression. For if to-day solutions of colonial problems were made to depend on questions of the right of self-determination of such inferior peoples as might be concerned, it was unbearable that 6½ millions belonging to a great, an ancient civilized people should be practically denied these rights by the character of his Government.

I wished therefore to secure by a new agreement that in this country all Germans should be granted the same rights and be subject to the same duties. This agreement was intended to secure the execution of the treaty of 11 July 1936.

A few weeks later we were unfortunately forced to the conclusion that the men composing at that time the Austrian Government had no intention of carrying out this agreement in the spirit which had inspired it, but in order to create for themselves an excuse for their continued violations of the Austrian Germans' right to equality of treatment they

conceived the notion of a plebiscite which was devised in order finally to deprive the majority of its rights. The methods adopted to realize this scheme were unexampled. A country which for many years had had no election at all, where there were no means of determining who were qualified to vote,

(page 4 of original)

announces an election which is to take place in less than three and a half days' time. There are no lists of Voters, there are no voting cards, there is no means of testing a person's right to vote, there is no obligation to maintain the secrecy of the ballot, there is no guarantee that the election will be conducted with impartiality, there is no security that the votes will be properly counted - and so on. If these are the methods which can confer on a regime the stamp of legality, then for fifteen years we National Socialists in Germany were only fools! We had to go through a hundred election fights and laboriously win the support of the German people.

When the late President of the Reich at last called me to power, I was the Leader of by far the strongest party in the Reich. Since then I have time and again sought to give to the German people an opportunity of confirming the legality of my existence and of my actions and that confirmation was granted me. But if the methods which Herr Schuschnigg wished to employ are the right ones, then the plebiscite in the Saar territory was only a mockery of a people whose return to the Reich it was desired to make more difficult. But on this point we think otherwise. I believe that we can all be proud that here too, in this Saar plebiscite, we won a vote of confidence from the German people in so unexceptionable a fashion.

Against this unexampled expedient of an election fraud the German people in Austria itself at last revolted. But this time when the regime once more planned simply to crush the movement of protest with a strong arm, the result could only be a new civil war.

Foreign Policy, Part II

O.K. 48

(page 4 of original cont'd)

But the German Reich will not suffer that henceforth in this territory Germans should still be persecuted because they belong to our nation or because they profess their belief in certain view. It desires calm and order.

(page 5 of original)

I determined therefore to place the help of the Reich at the service of the millions of Germans in Austria. Since this morning the soldiers of the German army are on the march across all the frontiers of German Austria.

Tanks, infantry divisions, bands of SS on the ground, and the German air arm in the blue heaven - summoned by the new National Socialist Government in Vienna - will be the guarantee that as soon as possible the opportunity will be given at last to the German people itself to fashion its own future and its own destiny by a real plebiscite. Behind these troops stand the will and the resolution of the whole German nation!

I myself as Leader and Chancellor of the German people shall be happy now once more as a German and a free citizen to be able to tread the soil of the country which is also my homeland. The world must convince itself that the German people in Austria is experiencing in these days hours of bliss and deep joy.

It sees in the brothers coming to its help its saviours from profound distress.

Long live the National Socialist Reich!

Long live National Socialist German Austria!

Berlin, 12 March 1938.

Adolf Hitler.

A true and correct copy.

Heidelberg, 8 February 1948.

Signed: Eduard WAHL

Professor of Law at

Heidelberg University.

Special Counsel of all Defendants.

Address given on 12 March 1938 by Federal Chancellor Dr. SEYSS-INQUART
from the balcony of the Lins Town Hall.

Published in "Voelkischer Beobachter" of 13 March 1938

My Fuehrer,

In a moment so significant for the German People and indirectly for the development of European history, I and together with the whole of the country welcome you, my Fuehrer and Reich Chancellor, on this, your first return to Austria.

The time has arrived when, in spite of the peace dictate, pressure, disfavor, and lack of understanding on the part of a whole world, Germans have finally been reunited with Germans.

To-day, the German nation stands together for one purpose and for all times to win every struggle and overcome every hardship as one People.

The path was difficult, full of hardships and sacrifices. It led through the most shattering defeat of the German People. But it was this very experience from which arose the great and magnificent idea of a indivisible community facing a common fate, the consciousness of a living people, the idea of National Socialism.

You, my Fuehrer, as son of the Grenzmark, (border country) have known national distress and suffering. It was this knowledge which created in you the great idea to muster all forces in order to lead the German People out of this its severest defeat. You have led it forth.

You have led it forth. You are the Fuehrer of the German nation in its struggle for honor, freedom and right.

We Austrians, now and for all times, follow this leadership freely and openly, proudly and independently. Moreover, we solemnly declare art. 88 of the peace treaty as invalid.

The formidable military power of the Reich marches into our country amidst Austria's jubilation. Austria's Genu bid the German soldiers welcome, who have come not in defiance of us, but in order to affirm once and for all, clearly and definitively, that the German People has gathered in one body to safeguard German right before the eyes of the whole world.

(page 2 of original)

Our aim is the creation of an ethnic German Reich based on order, peace and the freedom of all nations. We are standing at the threshold of its inauguration and Adolf Hitler is its leader.

My Fuehrer, we Austrians thank you. As a simple man, but giving you the heart-felt message of millions of Austrians, I can only simply say:

We thank you. We have always fought on your side tenaciously and most enduringly, acting and conducting ourselves to profits us in this Grenzmark. I believe we fought well until the end. And now we welcome you with the joy of all German hearts: Heil, my Fuehrer.

A true and correct copy
Heidelberg, 1 February 1948.
Signed: Ewald Vahl
Professor of Law at
Heidelberg University.
Special Counsel for all Defendants.

VORLEISCHER BEOACHTER

This is how our troops were received in Austria:

Endless joy

Boundless enthusiasm

at Kufstein, Innsbruck, Salzburg, Linz and Vienna.

C.K. 50

Official publication of 13 March 1938 concerning the resignation of the Austrian Bundespräsident MIKLAS, "Voelkischer Beobachter" of 14 March 1938.

Upon the request of the Bundeskanzler, the Bundespräsident has submitted his resignation in a letter of 13 March. In accordance with art. 77 para. 1 of the constitution of 1934, his functions will thus pass on to Dr. SEYSS-INQUART, Bundeskanzler.

A true and correct copy.

Heidelberg, 8 February 1948.

Signed: Edward WAHL

Professor of Law at

Heidelberg University

Special Counsel of all Defendants.

Austrian Federal Constitution Law, dated 13 March 1938, concerning the Re-union of Austria with the German Reich.

Published in "Bundesgesetzblatt fuer den Bundesstaat Oesterreich"
(Federal Law Gazette for the Federal State of Austria) No.75/1938.

"Gesetzblatt fuer das Land Oesterreich" (Law Gazette for the Land of Austria), No.1/1938.

Pursuant to Art.III, paragraph 2 of the Federal Constitution Law concerning extraordinary constitutional measures, Federal Law Gazette No.255/1934, the Federal Government decrees the following:

Art. 1

Austria is a land of the German Reich.

Art. 2

On Sunday, 10 April 1938, there will be a free and secret plebiscite for all German men and women in Austria over ²⁰ years of age concerning re-union with the German Reich.

Art. 3

The plebiscite is to be decided by majority vote.

Art. 4

The necessary implementation and supplementation regulations for this federal constitution law will be issued in the form of ordinances.

Art. 5

(1) This federal constitution law comes into effect on the day of publication.

(2) The Federal Government has been entrusted with the task of carrying out this federal constitution law.

SEYSS-INQUART, GLAISE-HORSTENAU, WOLF, HUEBER, MUNCHIN, JURY, NEUMAYER, REINTHALER, FISCHBOECK.

(page 2 of original)

This is to certify that the federal constitution law has been drawn up in keeping with the constitution.

SEYSS-INQUART,

SEYSS-INQUART, GLAISE-HORSTENAU, WOLF, HUEBER, MENGHIN, JURY,
NEUMAYER, HEINTHALER, FISCHBOCK.

A true and correct copy.

Heidelberg, 8 February 1948.

Signed: Eduard WAHL.

Professor of Law

at Heidelberg University

Special counsel for all defendants.

Conversation of the Fuehrer on 13 March 1938 at Linz, with Ward Price, special correspondent of the "Daily Mail".

Published in the "Daily Mail" of 14 March 1938 and the "Voelkischer Beobachter" of 15 March 1938.

To begin with, Ward Price reports that he had asked the Fuehrer whether yesterday's events in Austria would have any influence on the imminent German-British conferences. The Fuehrer replied: None whatsoever, on our part and I hope the same applies to the British side. Have we in any way committed wrong against any foreign country, whose interests have we offended if we agreed with the will of the overwhelming majority of Austrians to become Germans?

In reply to the question as to the Fuehrer's attitude towards the British-French note of protest, Adolf Hitler replied that he could not understand such a step.

These people here are Germans. A protest note from other countries about my action with regard to them has no more sense than a note from the German Government would have which protested against the relations of the British Government with Ireland.

I assure you in all sincerity that four days ago I had no idea at all that I should be here to-day, or that Austria would have been embodied, as she is from to-night, with the rest of Germany on exactly the same basis as Bavaria or Saxony.

I have done this because I was deceived by Herr SCHUSCHNIGG, and betrayal is something which I will not tolerate.

When I give my hand and word on any matter, I stand by it, and I expect anyone who enters into an agreement with me to do the same.

I came to terms with Herr SCHUSCHNIGG by which he was to cease his oppression of the majority of the people of his country.

I dealt quite fairly with him in my Reichstag speech. I gave him the chance to say: "I have come to terms with the German Government, and I will loyally co-operate in carrying them out."

(page 2 of original)

Instead, Herr SCHUSCHNIGG tried to spring this plebiscite on his country.

This is my home. I have long grieved to see the people to whom I belong by birth oppressed and suffering.

More than 2,000 of them have lost their lives. Many have been in prison. Some of them have been hanged for their political opinions and their faithfulness to German ideals.

A minority of 10 per cent. has oppressed the majority of 90 per cent. Well, I have put an end to that. But I have done still more. I have prevented the majority from revenging itself upon its oppressors.

I hope the world will realize that it is a work of peace that I have performed here.

If I had not intervened and the SCHUSCHNIGG Government had tried to carry through its trick plebiscite, there would have been bloody revolution here.

Austria might well have become another Spain in the heart of Europe.

I am a realist. Look at my relations with Poland. I am entirely ready to admit that Poland - a land of 33,000,000 inhabitants - needs an outlet to the sea.

It is a bitter thing to us that this has to be obtained at the expense of a corridor through German territory, but we realize what it means for the Poles.

There are Germans living under Polish government and Poles living under German government.

If the two countries quarrelled, each would oppress its minorities. It was far better to settle our differences by agreement.

I hope that all nations will recognize from what has happened in Austria the folly of oppressing their national minorities.

C.F. 52

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Wait a little, and see what I will do for Austria. Come back here in four years' time, and you will find that the number of the Austrian unemployed has greatly fallen.

You will see how much better off and happier the people of Austria will be.

A true and correct copy.

Heidelberg, 8 February 1948.

Signed: Eduard WAHL

Professor of Law

at the Heidelberg University.

Special counsel of all Defendants.

The Fuehrer's speech of 18 March 1938 before the German Reichstag at the Froll Opera House in Berlin, from "Reichstag Proceedings" volume 459, pages 45-50.

.....
 But there are State constructions which are so obviously stamped with the character of conscious and willed national injustice that in the long run their preservation is only possible through the employment of the most brutal violence. Thus, for example, the formation of the new Austrian ramp State was a measure which necessitated the naked violation of the right of self-determination of some 6½ millions of Germans. And this violation of right was admitted with cynical frankness. For the well-known inventors of the right of self-determination, of the independence and freedom of peoples, for the pious governesses of the world with their universal interests who otherwise profess themselves to be so deeply concerned for the maintenance of justice on this earth it meant nothing at all that through the Peace 'Diktats' the wishes of 6½ million human beings were throttled and that these millions were compelled to accept this rape of their right of self-determination and to suffer this unnatural separation from the great common motherland. When Austria decided to hold a plebiscite on the question of the Anschluss and over 95 per cent. voted in its favour, this free expression of opinion was forbidden out of hand by the apostles of the new International Law. And the tragic element in the situation thus created was that the new State represented from the first a political construction which was completely incapable of living its own life. The economic distress was consequently ghastly, the yearly mortality figures rose to a terrifying height. In Vienna alone last year there were 10,000 births as against 24,000

(page 2 of original)

deaths. That will not move democratic statesmen; their hearts have no feelings: they are completely unmoved when half a million men are butchered in Spain: I mention these facts only to establish quite dispassionately that, through the acts of violence of the authors of the "Peace-Diktats", upon millions of men there was passed a death sentence which gradually took effect: that is the result of the creation of this State which could not live. It is not surprising that there were men who supported this artificially created State - as rulers of the State they found it to their own interest to do so; neither is it surprising that the mass of nationally minded Austrians began to feel exasperation and bitterness against their oppressors and that a fanatical determination arose to set "the more sacred rights of the eternal life of the people in place of a régime of violence tricked out with lying democratic forms".

But an attempt on the part of these unfortunates to alter their lot necessarily led to an increase in terrorism. And thus in turn resistance and oppression were each increased in violence.

(page 3 of original)

But he who has any knowledge of history cannot doubt that in the long run the tenacity (Beharrlichkeit) of the forces which maintain a people's individuality are generally stronger than the effect of any oppression.

.....
On 20 February in the Reichstag I stretched out the hand to Herr SCHUSCHNIGG; in his first answer to that appeal he rejected that gesture. The obligations which he had undertaken were only grudgingly fulfilled; the campaign of lies directed against Germany by the foreign Press was in part, we have discovered, inspired by Herr SCHUSCHNIGG's own Press Bureau. There can be no doubt that Herr SCHUSCHNIGG had determined to violate the agreement.

On Tuesday 8 March the first statements reached me about a plan for a plebiscite. These statements appeared so fantastic and untrustworthy that they were regarded as mere rumours. Then on the evening of Wednesday through a truly astounding speech we were informed of an attack not only on the terms agreed upon between us but more than that - an attack upon the majority of the Austrian people.

In a country, in which for many years no elections at all had taken place, where there existed neither a voters' card index nor register, the date was set for an election to be held within 3 days. The question to be voted upon was put in such a way, that a negative answer appeared punishable under the laws then valid in Austria. There were no voters' registers; it was therefore impossible from the start to inspect them.

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corrections were out of the question, secrecy was neither guaranteed nor desired. Those who should say 'No' would be marked men, while for those who said 'Yes' every opportunity was given to falsify the result of the voting; in other words: Herr SCHUSCHNIGG, who knew very well that he had behind him only the minority of the population, sought through an unexampled election fraud to create for himself the moral justification for an open violation of the obligations to which he had agreed. He wished to gain a mandate for a further and still more brutal oppression of the overwhelming majority of the German Austrian people.

Such a breach of faith could only lead to a revolution which must have resulted in frightful bloodshed, for when after the infliction of such continuous wrong the glowing coals of passion burst into flame they can, experience proves it, be extinguished only in blood.

.....

That this was the right attitude to adopt was proved by the fact that within three days the entire homeland hastened to meet me when I carried out the intervention which had now become unavoidable, while not a single shot was fired, not a single victim fell - a result which must, I imagine, have caused not a little regret to our international pacifists. If I had not answered the wish of the Austrian people and its new National Socialist Government, then conditions would most certainly have arisen which would later have still made it necessary

(page 5 of original)

for us to intervene. I wished to spare this beautiful country
endless misfortune and suffering.

.....

I expect my people to have the understanding and the strength to
arrive at a unique decision just worthy of itself. Just as in 1933
in view of the size of the work confronting us, I asked the German
people, to grant me 4 years' time for the solution of the great
tasks, so again for the second time I have to ask you: German
people, grant me 4 more years, in order that I may turn the finally
accomplished fact of the re-union into a living reality for the
benefit of everyone. After that period has elapsed, the new German
People's Reich shall have grown into one indivisible whole, firmly
welded according to the will of its people, under the political leader-
ship of the National Socialist Party protected by its young National
Socialist Wehrmacht and prosperous owing to its flourishing economic
life.

Certified true copy

Heidelberg, 8 February 1948

Signed: Eduard VAHL

Professor of Law

at Heidelberg University

Special Counsel of all Defendants.

The Austrian Bishops' solemn declaration of 18 March 1938 on the occasion of the plebiscite (the Cardinal INWITZER's covering note to Gauleiter FUEHRER).

Solemn Declaration.

We, the undersigned bishops of the Austrian episcopate, on the occasion of the great historical events in Deutschösterreich (German Austria), out of our innermost conviction and of our own free will, declare the following:

We recognize with joy that the National Socialist movement has produced outstanding achievements in the spheres of national and economic reconstruction as well as in their welfare policy for the German Reich and people and in particular for the poorest strata of the people. We are also convinced that through the activities of the National Socialist movement the danger of all-destroying godless Bolshevism, was averted.

The Bishops' accompany these activities with their sincerest blessings for the future and shall also exhort the faithful accordingly.

On the day of the plebiscite, we Bishops consider it our obvious national duty as Germans to profess our loyalty to the German Reich, and we also expect all faithful Christians to know what they owe to their people.

Vienna, 18 March 1938.

Adam HEFTER, Fb.
Ferd. PAWLICOWSKI, Fb.
Michael MEHLENER

Th. Cardinal INWITZER, Eb.
S. WITZ, F.Eb.
Johannes Maria PFÖLLNER

Certified true copy.

Heidelberg, 8 February 1948

Signed: Eduard WAHL

Professor of Law at Heidelberg University

Special Counsel of all Defendants.

The Austrian Bishops' solemn declaration of 18 March 1938 on the occasion of the plebiscite (plus Cardinal INWITZER's covering note to Gauleiter BUECKEL).

The Archbishop of Vienna

Vienna, 18 March 1938

Dear Herr Gauleiter,

I am sending you enclosed herewith declaration of the bishops. From same you can see that we bishops have complied with our national duty voluntarily and without pressure. I know smooth co-operation will follow upon this declaration.

With the expression of my highest regard

and Heil Hitler!

Th. Cardinal INWITZER

Eb.

Preface to the Austrian Bishops' solemn declaration regarding the plebiscite.

After thorough consideration, we Bishops of Austria in view of the great historical hours which the Austrian people is witnessing and out of the awareness that in our days our people's thousand year old longing for reunion in one great Reich of Germans finds fulfilment, have decided to address the following proclamation to all our faithful flock.

In doing so we may set our minds at rest, the more so as the Fuehrer's Commissioner for the Plebiscite in Austria, Gauleiter BUECKEL, revealed to us the sincere course of his policy, which is to be guided by the motto: "Give unto God what is God's and unto Caesar what is Caesar's."

Vienna, 21 March 1938.

For the Vienna diocese

Th. Cardinal INWITZER Eb.

For the Salzburg diocese

S. WITTE, Prince-Archbishop

Cardinal INUITZER's letter to Gauleiter BUECHSEL concerning the
Plebiscite of 31 March 1938.

from the "Voelkischer Beobachter" dated 2 April 1938.

The Archbishop of Vienna.

Vienna, 31 March 1938.

Dear Herr Gauleiter,

I feel that I should address some observations to you in order to
shed light on and correct a report of the Berlin correspondent of
the Agence Havas which was spread in connection with the Proclamation
of the Austrian bishops and which came to my knowledge.

The Havas correspondent writes the following: A connection might be
discovered between that public announcement and the visit the
Papal Nuntius (Cesar Greenico) paid to Reich Foreign Minister von
RIBBENTROP two days ago in Berlin.

In this connection I wish to state the following: No connection whatso-
ever exists between the solemn declaration of the bishops and the
Papal Nuntius' visit in Berlin. On the contrary, the former was made
spontaneously in view of the momentous historical hour of Austria's
reunion with the German Reich. This is to be gathered from the pre-
face which precedes the declaration of the bishops.

I must also reject the Havas correspondent's allegation from the
same report, to the extent that the proclamation of the bishops had to
be looked upon as a gesture to ease the tension; for I deem it
beneath my dignity to indulge in gestures at a moment of such
historical importance.

I emphasize again that the declaration of the bishops as also our
entire attitude towards the plebiscite has to be evaluated on principle
as an avowal motivated alone by the voice of our common German blood.

I would like to go further and reveal to you quite openly my most
cherished wish in these historical days, which is that with the
declaration of the bishops a turning point may have been reached
in the religious-cultural life of our entire people,

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inaugurating an era of the highest degree of internal pacification
between the Church, the State and the Party.

May I express the hope that this my letter will serve to render
innocuous in advance any erroneous or incorrect statements which
might crop up in future, be it through the spoken or the written
word .

With the expression of perfect esteem

and Heil Hitler!

Th. Cardinal INKSTER, Archbishop.

True copy certified.

Heidelberg, 8 February 1938

Signed: Edward VAHL

Professor of Law at Heidelberg University

Special Counsel of all Defendants.

Solemn Proclamation of the Sudeten German Party, of 15 September 1938
from the "Voelkischer Beobachter" dated 16 September 1938.

The members of the Chief Executive of the SdP assembled at Asch
fully aware of their responsibility before the whole world, state the
following: The Czech democracy has finally dropped its mask of
hypocrisy. Murder and looting goes on under the guise of humanitarian
phrases. What is going on these days in the heart of Germany, can
only be compared to the Bolshevik atrocities in Spain.

The Sudeten Germans, through their national leaders proclaim before
all the world that up to the last moment they endeavored to bring
about a peaceful solution. The Czech government, however, declined
all of Konrad HENLEIN's demands.

In view of these conditions prevailing with the Czech State
Territory, it is a matter of course for every Sudeten German to
employ any means in the defence of his own and his family's life
against the murdering and plundering gangs.

True copy certified.

Heidelberg, 8 February 1948

Signed: Eduard WAHL

Professor of Law at Heidelberg University

Special Counsel of all Defendants.

Appeal to the Sudeten-Germans of 15 September 1938 by HENLEIN, leader of the Sudeten-German Party, published in the "Voelkischer Beobachter" of 16 September 1938.

Fellow Germans!

Endowed with your confidence and in full realization of my responsibility I state in the face of the entire world that with the use of machineguns, armored cars and tanks against the defenseless Sudeten-Germans, the systematic oppression of the Czech nation has reached its culmination. By this action the Czech people have shown to the whole world that a harmonious life with them in one State had definitely become impossible. The experiences of 20 years of despotism and the heavy sacrifices in human beings of the last days make it my duty to state the following:

1. Depriving us of our sovereignty, solemnly promised to us, we were pressed into the Czech State in 1919 against our will.
2. Without ever renouncing our sovereignty, we tried under heavy sacrifices everything in our power to find a secure life in the Czech State.
3. All endeavors to persuade the Czech people and its representatives to make an honest and fair compromise failed completely through their irreconcilable desire to destroy.

In this hour of Sudeten-Germany's distress I stand before you, the German people, and the entire civilized world and declare:

We want to live as free Germans!

We want peace and work again in our fatherland!

We want to come home to the Reich!

May God bless us and our just struggle!

(Signed) Konrad HENLEIN.

Certified true copy.
Heidelberg, 8 February 1948

(signed) Eduard WAHL
Professor of Law at Heidelberg University
Special Counsel of all Defendants.

Appeal of 17 September 1938 by the leaders of the Sudeten-German Party on the occasion of the forming of the "Sudetendeutsche Freikorps" in compliance with HENLEIN's orders, published in the "Voelkischer Beobachter" of 18 September 1938.

On 1 October 1933 Konrad HENLEIN appealed to Sudeten-Germany to form a Sudeten-German home front in his honest intent to safeguard the rights of German national life in the Czech State through a fair compromise with the Czech people. For five years Sudeten-Germany has given proof of this intention. Today it must be asserted that all endeavors to find this compromise in peaceful work have failed through the Czech rulers' irreconcilable desire to destroy.

While we strove to strengthen Sudeten-Germany's willingness to become part of one harmonious community, the Czechs systematically stirred up the hatred of everything German. While furthermore the Prague Government - in speeches, promises and during negotiations - affected in the most hypocritical manner its willingness to reach an understanding, the chauvinism of the Czech people surpassed all limits as a result of the propaganda of the Czech parties.

While the Prague Government - through speeches, promises and insignificant concessions, systematically tried to deceive the world, the ruthless destructive struggle against all non-Czech peoples was carried on at the same time by means of all forces at the disposal of the State on the part of the executives of the same Government and by the Czech fighting units which enjoyed the systematic support of the Government. During the past few weeks, however, the Czech rulers dropped their mask. In the face of the Bolshevik-Besite groups the Government no longer has the situation well in hand. To this moment Herr BENEŠ lies to his people, deceiving them about the true picture of the situation. He is too much of a coward to admit the collapse of his policy to the Czech peasants and workers. He pins his last hope on a European catastrophe. In full knowledge of the consequences,

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he releases Bolshevik-Hussite hordes in the uniform and shape of the hate-inspired Czech soldiery on defenseless Sudeten-Germans.

Nameless sorrow has come over our Sudeten-German homeland. Tens of thousands of compatriots who did nothing worse than to stand up for their nationality had to flee across the border to save their lives or to escape deportation as defenseless hostages. Millions, however, are left the prey of foreign oppression.

This is a state of extreme emergency.

Thus, when we take up arms and form the "Sudeten-German Freikorps" we merely claim the right of self-defense which has been exercised by all nations throughout the ages.

Certified true copy.

Heidelberg, 8 February 1948

(signed) Eduard WAHL

Professor of Law at Heidelberg
University

Special Counsel of all Defendants.

The Fuehrer's reply telegram on 27 September 1938 to ROOSEVELT, President of the United States, published in the "Voelkischer Beobachter" of 28 September 1938.

Your Excellency in your telegram which reached me on 26 September has addressed to me an appeal in the name of the American people asking me in the interest of the maintenance of peace not to break off the negotiations over the disputed question which has arisen in Europe and to endeavour to reach a peaceful, honourable, and constructive settlement of this question. Rest assured that I can appreciate the generous motive which prompts your remarks and that in every respect I share your view of the incalculable consequences of a European war. For this very reason I can and must refuse to accept any responsibility on the part of the German people and its leaders if it should happen that future developments, in spite of all my efforts, should in fact lead to the outbreak of hostilities.

In order to form a just judgement on the problem of the Sudeten Germans which is at present under discussion it is essential to consider the circumstances in which in the last resort the rise of this problem and its dangers have their cause. In 1918 the German people laid down its arms in the sure confidence that the conclusion of peace with those who were then its enemies would realize the principles solemnly proclaimed by President WILSON and as solemnly recognized as binding by all the Powers which were engaged in the war. Never in history has the confidence of a people been more shamefully abused than at that time. The peace conditions which were forced upon the defeated nations in the treaties concluded in a suburb of Paris fulfilled not one of the promises which had been given. Rather they have created in Europe a political regime which made of the conquered nations the outlawed pariahs of the world and which must from the first have been recognized by every intelligent person as indefensible.

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One of the points in which the character of the 'Diktats' of 1919 stood most clearly revealed was the foundation of the Czechoslovak State, and the delimitation of its frontiers which took no account of history or nationality. Within these frontiers was also included the Sudeten territory, although this district had always been German and although its inhabitants after the destruction of the Hapsburg Monarchy had unanimously declared their wish to be united with the German Reich. Thus the right of self-determination which President WILSON had proclaimed as the most important foundation of the life of peoples was simply refused to the Sudeten Germans.

But that was not enough. In the treaties of 1919 definite, and according to the wording of the documents far-reaching, obligations towards this German element were imposed upon the Czechoslovak State. These obligations from the outset were not observed. The League of Nations charged with safeguarding the execution of these obligations failed completely. Since that time the Sudeten territory has been engaged in a bitter struggle to maintain its German character.

It was a natural and unavoidable development that after the growth in strength of the German Reich and after the reunion of Austria with the Reich the passion of the Sudeten Germans for the preservation of their cultural life and for closer association with Germany did but increase. In spite of the loyal attitude of the Sudeten German Party and its leaders, opposition to the Czechs grew ever stronger. From day to day it became clearer that the Government in Prague was not prepared in fact to take any account of the most elementary rights of the Sudeten Germans. Rather it sought by methods which grew more and more violent to effect the 'Czechization' of the Sudeten territory. It was unavoidable that this action continuously led to greater and more serious tension.

At first the German Government did not intervene in this development in any way and it still maintained its attitude of calm reserve when

(page 3 of original)

in May of this year the Czechoslovak Government proceeded to a mobilisation of its army under the completely false pretext of German troop-concentrations. The refusal on the part of Germany at that time to take any military counter-measures did but serve to increase the intransigence of the Government in Prague. That was proved by the course of the negotiations conducted between the Sudeten German Party and the Government with a view to a peaceful settlement. These negotiations produced the conclusive proof that the Czechoslovak Government was very far from any real and fundamental grasp of the Sudeten problem and from any attempt to bring it to a just solution.

As a consequence during the last few weeks conditions in the Czechoslovak State, as is generally known, have become intolerable. Political persecution and economic oppression have plunged the Sudeten Germans into indescribable misery. In order to illustrate these conditions it will suffice to refer to the following facts:

At the present moment there are 314,000 German refugees who have been forced to leave home and hearth in their hereditary homeland and have escaped over the German frontier because they saw in this the last and only possibility of escaping from the hideous Czechoslovak rule of violence and bloody terrorism. Unnumbered dead, thousands of wounded, tens of thousands who have been arrested and imprisoned, deserted villages - such are the witnesses which bring their charge before a world public, witnesses of that outbreak of hostilities, begun long ago on the part of the Prague Government, which you in your telegram justly fear, to say nothing of the destruction of the economic life of the Sudeten German area which has been systematically pursued by the Czech Government for twenty years. Already that economic life carries with it all those features of disorganization which you foresee as the consequence of the outbreak of war.

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These are the facts which compelled me in my speech at Nuremberg on 12 September to declare before the whole world that this outlawry of three and a half million Germans in Czechoslovakia must come to an end and that these folk if they can of themselves find no justice and no help must receive both from the German Reich. But in order to make a last attempt to reach the goal by peaceful means I have made concrete proposals for the solution of the problem in a memorandum which was handed to the British Prime Minister on 23 September. These proposals have since then been made known to the public. After the Czechoslovak Government had previously declared to the British and French Governments that it agreed that the area of Sudeten German settlement should be separated from the Czechoslovak State and united to the German Reich the proposals of the German memorandum have no other aim than to secure a rapid, certain, and just execution of that Czechoslovak promise.

I am convinced, Mr. President, that, when you review the whole development of the Sudeten German problem from its beginnings down to the present day, you will recognize that the German Government has in truth failed neither in patience nor in its honest wish for a peaceful understanding. It is not the fault of Germany that there is a Sudeten German problem at all or that from that problem the present insupportable conditions have arisen. The fearful fate of the victims of this problem does not admit of any further postponement of its solution. The possibilities of reaching a just settlement through agreement are thus exhausted with the proposals of the German memorandum. It does not now rest with the German Government,

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but solely with the Government of Czechoslovakia to decide whether
it wishes peace or war.

Adolf HITLER.

Certified true copy.

Heidelberg, 8 February 1948.

(signed) Eduard WAHL,

Professor of Law at Heidelberg
University

Special Counsel of all Defendants.

Excerpt from the agreement between Germany, the United Kingdom of Great Britain, France and Italy, concluded in Munich on 29 (30)

September 1938, taken from the "Reich Law Gazette", II, P. 853.

.....
Germany, the United Kingdom, France and Italy, taking into consideration the agreement, which has been already reached in principle for the cession to Germany of the Sudeten German territory, have agreed on the following terms and conditions governing the said cession and the measures consequent thereon, and by this agreement they each hold themselves responsible for the steps necessary to secure its fulfilment:

1. The evacuation will begin on 1st October.
2. The United Kingdom, France and Italy agree that the evacuation of the territory shall be completed by the 10th October, without any existing installations having been destroyed, and that the Czechoslovak Government will be held responsible for carrying out the evacuation without damage to the said installations.
3. The conditions governing the evacuation will be laid down in detail by an international commission composed of representatives of Germany, the United Kingdom, France, Italy and Czechoslovakia.
4. The occupation by stages of the predominantly German territory by German troops will begin on 1st October. The four territories marked on the attached map will be occupied by German troops in the following order:

The territory marked No. I on the 1st and 2nd October;
 " " " No. II " " 2nd " 3rd October;
 " " " No. III " 3rd, 4th " 5th October;
 " " " No. IV " " 6th " 7th October.

The remaining territory of preponderantly German character will be ascertained by the aforesaid international commission forthwith and be occupied by German troops by the 10th of October.

(page 2 of original)

5. The international commission referred to in paragraph 3 will determine the territories in which a plebiscite is to be held. These territories will be occupied by international bodies until the plebiscite has been completed. The same commission will fix the conditions in which the plebiscite is to be held, taking as a basis the conditions of the Saar plebiscite. The commission will also fix a date, not later than the end of November, on which the plebiscite will be held.
6. The final determination of the frontiers will be carried out by the international commission. The commission will also be entitled to recommend to the four Powers, Germany, the United Kingdom, France and Italy, in certain exceptional cases, minor modifications in the strictly ethnographical determination of the zones which are to be transferred without plebiscite.
7. There will be a right of option into and out of the transferred territories, the option to be exercised within six months from the date of this agreement. A German-Czechoslovak commission shall determine the details of the option, consider ways of facilitating the transfer of population and settle questions of principle arising out of the said transfer.
8. The Czechoslovak Government will within a period of four weeks from the date of this agreement release from their military and police forces any Sudeten Germans who may wish to be released, and the Czechoslovak Government will within the same period release Sudeten German prisoners who are serving terms of imprisonment for political offences.

(page 3 of original)

Munich, September 29, 1938.

Adolf HITLER.

Neville CHAMBERLAIN,

Edouard DALADIER.

Benito MUSSOLINI.

Certified true copy.

Heidelberg, 8 February 1948.

(signed) Edward WARE

Professor of Law at Heidelberg University

Special Counsel of all Defendants.

Anglo-German peace declaration of 30 September 1938,
published in the "VoelkischerBeobachter" of 1 October 1938.

We have had a further conversation to-day and we are agreed in recognizing that the question of German-English relations is of the highest importance for both countries and for Europe.

We regard the Agreement which was signed last evening and the German-English Naval Agreement as symbolic of the wish of our two peoples never again to wage war against each other.

We are determined to treat other questions which concern our two countries also through the method of consultation and further to endeavour to remove possible causes of difference of opinion in order thus to contribute towards assuring the peace of Europe.

Munich, September 30, 1938.

Adolf HITLER

Neville CHAMBERLAIN

Certified true copy.

Heidelberg, 8 February 1948.

(signed) Eduard MAHL,

Professor of Law at Heidelberg University

Special Counsel of all Defendants.

German-French declaration of 6 December 1938,
published in the "Voelkischer Beobachter" of 7 December 1938.

a) Franco-German Declaration.

M. Georges BONNET, Minister for Foreign Affairs of the French Republic
and M. Joachim von RIBBENTROP, Minister for Foreign Affairs of the
German Reich,

Acting in the name and by order of their respective Governments, have
agreed on the following points at their meeting in Paris on December
6, 1938:

1. The French Government and the German Government fully share the
conviction that pacific and neighborly relations between France
and Germany constitute one of the essential elements of the con-
solidation of the situation in Europe and of the preservation of
general peace. Consequently both Governments will endeavour with
all their might to assure the development of the relations between
their countries in this direction.
2. Both Governments agree that no question of a territorial nature
remains in suspense between their countries and solemnly recognize
as permanent the frontier between their countries as it is actually
drawn.
3. Both Governments are resolved, without prejudice to their special
relations with third Powers, to remain in contact on all questions
of importance to both their countries and to have recourse to
mutual consultation in case any complications arising out of these
questions should threaten to lead to international difficulties.

In witness whereof the Representatives of the two Governments have
signed the present Declaration, which comes into force immediately.
Executed in duplicate in the French and German languages at Paris,
on December 6, 1938.

Signed: Georges BONNET
Joachim von RIBBENTROP.

- b) Official German-French communiqué on Reich Foreign
Minister von RIBBENTROP's visit in Paris.

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The visit of the Minister for Foreign Affairs of the Reich to Paris on December 6, has provided the opportunity for a Franco-German exchange of views over a wide range of questions. In the course of the conversations that have taken place, the principal European problems have been examined, most especially those which have a direct bearing on the political and economic relations between France and Germany. It has been recognized on both sides that the development of the relations between the two countries on the basis of the unequivocal recognition of their frontiers would not only serve their mutual interests, but also constitute an essential contribution towards the maintenance of peace.

In this spirit the Ministers for Foreign Affairs of both countries have signed a declaration which, while reserving the special relations of both Governments with third Powers, expresses their determination to co-operate in a peaceful spirit on a basis of mutual respect, and thus marks an important step on the way to general appeasement.

c) Declaration of Herr von RIBBENTROP, Minister for
Foreign Affairs of the Reich.

With to-day's declarations, France and Germany, taking into consideration the solid foundation constituted by the friendship uniting them to other States, have agreed to put an end to the age-long conflicts concerning their frontier, and, by mutually recognizing their territories, hope to facilitate the course of reciprocal understanding, and of consideration for the vital national interest of both countries. As partners with equal rights, two great nations declare themselves prepared, after serious differences in the past, to establish good neighbourly relations in the future. With this declaration of good will, they express the conviction that no opposition of a vital nature exists between them, which could justify a serious conflict. The economic interests of the two countries

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complement each other. German art and the spiritual life of Germany owe valuable inspirations to France, just as Germany, on her side, has often enriched French art.

The mutual esteem which arose from the courage shown by the French and the German peoples during the World War can find its natural complement in peace, and still increase, thanks to the courageous effort of each nation in its daily work.

I am therefore convinced that the Franco-German declaration of to-day will help to remove historical prejudices and that the détente in our neighbourly relations which finds expression in this declaration will meet with unanimous approval not only from the leaders, but also from the peoples of our States.

The feelings of the German people towards a new orientation in the relations between the two States were manifested by the warm welcome given at Munich to the French Prime Minister, M. Edouard DALADIER.

The marks of sympathy which I have received during the few hours of my stay in Paris prove how these feelings are also shared by the French population. I hope and trust that the declaration of to-day will initiate a new era in the relations between our two peoples.

Certified true copy.

Heidelberg, 8 February 1948.

(signed) Eduard MAHL,

Professor of Law at Heidelberg University

Special Counsel of all Defendants.

Declaration of the "Deutsche Diplomatisch-Politische Information"
(German Diplomatic Political Information Bureau) concerning German-
Hungarian relations of 20 January 1939

in "Voelkischer Beobachter" of 21 January 1939.

Sense of responsibility and devotion on the part of the German leaders at Munich have resulted in reuniting on the basis of ethnic principles the Germans living in Czecho-Slovakia with the rest of the German people. The leaders of the Axis Powers likewise achieved to bring freedom and the possibility to return to the Hungarian ethnic groups, which, like the German had suffered twenty years of hard suppression from aliens. Without anybody taking up arms the borderline was fixed on the basis of the German-Italian award which had been requested and accepted by both parties; this border made the ethnographic border desired by Hungary a fact and increased that country's population by one million people.

All these important events involved risks as well as heavy material i.e. financial sacrifices for the Reich. Germany, therefore, expected this revision which had been awaited with longing since 1919 and had become possible only through Germany's intervention, to be received with unrestricted approval in Hungary. There is no doubt that the great mass of the soundly thinking Hungarian people did react in that way, the consequence of which will be that the already existing confidence and the feeling of solidarity of the two nations will even increase.

Unfortunately, however, we are compelled to see that the circles close to the government who could not do anything but confirm and accept the unheard-of successes of this development are opposed by a heterogeneous opposition, consisting of followers of the people's front, Jews, reactionaries and other dissatisfied people, whose attitude causes bewilderment in Germany. After Germany, together with Italy, took upon itself all risks those people, following some designs of internal policy display an inappropriate impudence and ingratitude by charging the leaders of the German state

(page 2 of original)

that they wanted to fob off Hungary by giving it its complete ethnographic borders.

It cannot be stated clearly enough: at Munich Germany won a victory for the ethnic principle. The Sudeten-Germans were included into the Reich; the Polish and Hungarian ethnic groups also returned to their motherlands as a consequence of those agreements. If in this connection those above-mentioned dissatisfied Hungarian elements, against any practical political sense consider the thousand-year old Reich of the Crown of St. Stephen as the only satisfactory goal to be reached by Hungary, those dreamers and talkers living in some kind of an utopia should realize that the old German imperial crown is no lesser symbol than the crown of St. Stephen.

Much the more Germany welcomes the Hungarian Foreign Minister, Count Cseky, when we consider the representative of a sound and practical thinking Hungary in the capital of the Reich. Discussions with him revealed the pleasant agreement that a satisfactory and harmonious development can be established in the Danube area based on the old and proven relations between the German and Hungarian people, and in closest collaboration between Hungary and the axis Berlin-Rome. During the past thousand years German-Hungarian friendship has often proved that it is essential for Europe, and Germany's assistance in restoring Hungary's sovereignty against alien invasions is also in keeping with German-Hungarian traditions. For the German people it has become a firmly established fact that, in the course of the centuries, the Hungarian nation has again and again been a dam against the threat of waves and movements which threatened to destroy European civilization. Seen from this point of view, Hungary's joining the Anti-Comintern agreement is deeply and un-

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disputably rooted in the historic tradition of this people. We are convinced that this return to its true Hungarian tradition will cause the Hungarian nation to use its sound senses in order to overcome those troubleshooters and the attempts at disturbing its internal life which could block its way into a happy future.

The correctness of this copy is certified.

Heidelberg, 8 February 1948

Signed: Ewald WAHL
Professor of Law
at Heidelberg University
Special Counsel of all Defendants.

Official German Bulletin Concerning the State Visit of Reich Foreign Minister von RIBBENTROP at Warsaw (25 to 27 January) of 27 January 1939, in "Voelkischer Beobachter" of 28 January 1939.

The State visit of Reich Minister for Foreign Affairs von RIBBENTROP at the Polish Government at Warsaw, by which he returned the visit of the Polish Foreign Minister J. BECK on the fifth anniversary of the German-Polish agreement, has come to its conclusion today.

During his presence at the Polish capital Reich Foreign Minister von RIBBENTROP had opportunity to have extensive discussions with the leading statesmen of the Republic of Poland.

Yesterday afternoon the Reich Foreign Minister had an extensive discussion with Foreign Minister J. BECK about all questions directly concerning the two neighbor countries. The general international situation was also discussed. The discussions conducted in a spirit of sincerity and frankness were based on the policies which began with the German-Polish agreement of 26 January 1934 and both statesmen agreed, that present as well as future questions concerning both states should be examined and solved by taking into consideration the justified interests of both nations.

Reich Foreign Minister von RIBBENTROP's visit at Warsaw passed off in an atmosphere of friendly understanding and the results of the discussions show again that the cooperation between Germany and Poland which had proved itself during five years did not only develop German-Polish relations more and more, but also constitutes a valuable contribution to the pacification of Europe which is progressing steadily in accordance with the new situation.

The correctness of this copy is certified.

Heidelberg, 8 February 1948.

Signed: Eduard WAHL

Professor of Law
at Heidelberg University.
Special Counsel of all Defendants.

Speech of the Fuehrer of 30 January 1939, the sixth Anniversary of the National Socialist Revolution, made before the Greater German Reichstag at the Kroll Opera, at Berlin.

in "Verhandlungen des Reichstags" (Sessions of the Reichstag)
Vol. 460, page 2-21.

.....

We have just celebrated the fifth anniversary of the conclusion of our non-aggression pact with Poland. There can scarcely be any difference of opinion to-day among the true friends of peace with regard to the value of this agreement. One only needs to ask oneself what might have happened to Europe, if this agreement, which brought such relief, had not been entered into five years ago. In signing it the great Polish Marshal and patriot rendered his people just as great a service as the leaders of the National-Socialist State rendered the German people. During the troubled months of the past year the friendship between Germany and Poland was one of the reassuring factors in the political life of Europe.

Our relationship to Hungary is based on a long proven friendship, on common interests and on a traditional mutual esteem. Germany took great pleasure in doing its share in repairing a wrong which had once been done to Hungary.

Yugoslavia is a State which has increasingly attracted the attention of our people since the War. The high regard which the German soldiers then felt for this brave people has since been deepened and has developed into genuine friendship. Our economic relations with this country are undergoing constant development and expansion, just as is the case with the friendly countries of Bulgaria, Greece, Rumania, and Turkey. The essential reason for this is to be found in the natural conditions which make it possible for these countries and Germany to complement each others' economic systems.

Germany is happy to-day in the possession of peaceful frontiers in the West, South, and North.

Our relations with the Western and Northern States Switzerland, Belgium, Holland, Denmark, Norway, Sweden, Finland, and the Baltic States become all the more satisfactory with the increasing tendency in these countries

(page 2 of original)

to turn away from certain articles of the Covenant of the League of Nations, which involve danger of war. No country appreciates better than Germany the value of genuinely friendly and neutral States on its frontiers. May Czechoslovakia, too, succeed in re-establishing internal order in a manner which will exclude any possibility of a relapse into the tendencies of the former President, Dr. Benes.

Hungary's and Manchukuo's joining the anti-Komintern pact is an enjoyable symptom in the process of consolidating world's resistance against the Jewish-international-Bolshevik threat to the nations.

Germany's relations to the South American states are pleasant and are constantly more intensified with regard to economic factors.

Our relationship to the Union of North America suffers from a campaign of calumny which, under the pretext that Germany is threatening American independence or freedom in the service of unclear political or financial interests tries to incite an entire continent against those nations of Europe which are governed by their peoples. We all do, however, not believe that those attempts represent the will of millions of American citizens who, despite the gigantic propaganda carried out by the Jewish-capitalist press, radio and movie industry trying to achieve a contrary effect, can not doubt that there is not a true word in those claims. Germany wants to be on friendly and peaceful terms with all countries, also with America. It refuses to intervene in American affairs but rejects just as decidedly any American intervention in German affairs.

The correctness of the copy is certified.

Heidelberg, 8 February 1948
Signed: Eduard MAHL
Professor of Law at
Heidelberg University.
Special Counsel of all Defendants.

Official Bulletin on Hungary's Joining the Anti-Comintern Agreement
of 24 February 1939.

in "Reich Law Gazette" (Reichsgesetzblatt) II, page 750.

The Government of the German Reich, the Government of Italy, the Imperial Government of Japan on the one side and the Government of the Kingdom of Hungary on the other side state the following through their undersigned plenipotentiaries:

Article I.

Hungary joins the pact against the Communist International which was manifested through the agreement and supplementary protocol of 25 Nov. 1936 and the protocol of 5 November 1937.

Article II.

The form for facilitating cooperation of the competent authorities of the nations involved will be the topic of a future agreement between these authorities.

Article III.

The text of the agreement and of the supplementary protocol of 25 November 1936 as well as the protocol of 5 November 1937 are attached to this protocol as an enclosure.

The present protocol has been made out in the German, Italian, Japanese and Hungarian languages and each text is considered as the original text. It becomes valid on the day on which it is signed.

In witness whereof the undersigned duly authorized by their respective governments have signed this protocol with their own hand and have set their seals thereto.

Executed in four copies on the 24th day of February 1939 - in the seventeenth year of the Fascist era,

(page 2 of original)

i.e. the 24th February of the 14th year of the Showa period.

Dr. Otto von EDMANNSDORFF,
Omero Formentini
Hajime Matsumiya
Count Csaky Istvan.

The correctness of the copy is certified.

Heidelberg, 8 February 1948.

Signed: Eduard WÄHL
Professor of Law
at Heidelberg University
Special Counsel of all Defendants.

Official bulletin on Manchukuo's Joining the Anti Comintern Agreement of 24 February 1939 in "Reich Law Gazette" (Reichsgesetzblatt) II, Page 746.

The Government of the German Reich, the Government of Italy, the Imperial Government of Japan on the one side and the Government of Manchukuo on the other side state the following through their undersigned plenipotentiaries:

Article I.

Manchukuo joins the pact against the Communist International which was manifested through the agreement and the supplementary protocol of 25 November 1936 and the protocol of 6 November 1937.

Article II.

The form for facilitating the cooperation of the competent authorities of the nations involved will be the topic of a future agreement between these authorities.

Article III.

The text of the agreement and of the supplementary protocol of 25 November 1936 as well as the protocol of 6 November 1937 are attached to this protocol as an enclosure.

The present protocol has been made out in the German, Italian, Japanese and Manchukuo languages and each text is considered as the original text. It becomes valid on the day on which it is signed.

In witness whereof the undersigned duly authorized by their respective governments have signed this protocol with their own hand and have set their seals thereto.

Executed in four copies on the 24 day of the second month of the fourteenth year of the Showa period, i.e. the 24th day of the second months of the

(page 2 of original)

sixth year Kangtū.

Dr. Wilhelm Warner
Luigi Cortese
Kenkichi Ueda
Chang Ching-hui.

The correctness of the copy is certified.

Heidelberg, 8 February 1948.

Signed: Edward WAHL
Professor of Law
at Heidelberg University
Special Counsel of all Defendants.

From: "Voelkischer Beobachter: South German edition of 14 March 1939.

New unheard-of Czech terror wave against Germans.

Germans trampled down and arrested - Czech police supports the Hussite mob - 250 Slovakian leaders taken away - Czech militia against the Hlinka guards - German Schutzkorps (Security corps) seriously threatened.

Czech terrorism against the German ethnic groups which is directed especially against the Germans in Moravia and Slovakia and which flared up first at Brunn, is continuing. New and shocking terror acts were reported from Brunn itself, other clashes took place at Olmütz and Ig-lau. A report about a Communist gathering in Prague, where decisions were made with regard to the use of Communist shock troops, reveals that the Communists have a hand in those clashes. Everything indicates that at Brunn the Bolsheviks, who again were working together with Peneš' Hussites had provoked the Germans according to a preconceived plan.

Everywhere the police takes absolutely no action against the Czech gangs brutally using clubs in their attacks, whereas, on the other side it throws the attacked Germans into jail. The same methods can be noted in Slovakia. There as well as in Moravia the German volunteer battalions have to stand a hard fight of defense against the Czech attackers: especially the Germans who are defending the Brunn gymnasium are in a most dangerous position.

In Slovakia the Czechs are continuing to arrest all leaving Slovaks who were mostly taken to Bohemia and

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Bohemia and Moravia. There are several delegates of the Slovakian Landtag among them, who were thrown into prison in disregard of their immunity.

The correctness of this copy is certified.

Signed: FERNSTUCKER

Dr. Julius FERNSTUCKER

Assistant Counsel for all Defendants.

Personal handwritten^{note} written in the early morning of 14 March 1939,

of the Czech Foreign Minister Dr. Chvalkovsky to Andor Nencko,
German charge d'affairs at Prague,

in "Voelkischer Beobachter" of 26 January 1940,

Facsimile.

"With reference to our telephone conversation of yesterday, I take
the liberty of asking you to use your good offices to find out whether
his Excellency, the Reich Chancellor would be willing to grant the
President Dr. Emil Hacha an opportunity for a personal conference.

Accept, Herr Charge d'affaires, my most sincere respects.

Yours respectfully,

Dr. CHVALKOVSKY.

The correctness of the copy is certified

Heidelberg, 8 February 1948.

Signed: Eward WAHL
Professor of Law
at Heidelberg University
Special Counsel of all Defendants.

Agreement between the Fuehrer and the Czecho-Slovakian State President Dr. Hacha of 15 March 1939.

in "Voelkischer Beobachter" of 16 March 1939.

In the presence of Reich Minister for Foreign Affairs von RIBBENTROP the Fuehrer and Reich Chancellor today received at Berlin the Czecho-Slovakian State President Dr. Hacha and the Czecho-Slovakian Foreign Minister Dr. Chvalkovsky upon their request. During the meeting the serious situation which had arisen on account of last weeks' happenings on the present Czecho-Slovakian state territory has been discussed in an atmosphere of complete frankness. Both parties express their agreement that the goal of all endeavors must be the safeguarding of quiet, peace and order in this part of middle Europe. The Czecho-Slovakian State President declared, that, in order to serve this goal and in order to achieve final peace, he would entrust the fate of the Czech people and their country into the hands of the Fuehrer of the German Reich. The Fuehrer accepted this declaration and expressed his decision that he would take the Czech people under the protection of the German Reich and would guarantee it an autonomous development of its national life which would be in keeping with its national character.

In witness thereof this document has been made out and signed in two copies.

Berlin, 15 March 1939.

Signed: Adolf Hitler
Signed: Ribbentrop
Signed: Dr. E. Hacha
Signed: Dr. Chvalkovsky.

The correctness of the copy is certified

Heidelberg, 8 February 1948.

Signed: Eduard WAHL,
Professor of Law
at Heidelberg University,
Special Counsel for all Defendants.

Decree of the Fuehrer and Reich Chancellor concerning
the Protectorate of Bohemia and Moravia.
Of 16 March 1939.
From the Reich Legal Gazette, Part, I, 1939, Page 485,

The Countries of Bohemia and Moravia belonged for a thousand years to the living space of the German people. Only by force and folly were they torn arbitrarily from their ancient historical milieu and were finally incorporated into the artificial structure of Czechoslovakia which became the seat of permanent unrest. From year to year the danger increased that from this region, - as had happened already in the past - a new terrible threat to the peace of Europe would arise. For the Czechoslovakian state and her rulers had not succeeded in organizing reasonably the peaceful living together of the racial groups arbitrarily united and by so doing rousing and maintaining the interest of all parties concerned in preserving their common state. Thereby this state has proved its inner incapacity to exist and has therefore actually fallen a prey to dissolution. The German Reich cannot tolerate permanent disturbance in these regions so decidedly important for its own peace and security as well as for the general prosperity and peace everywhere. As the power which was most strongly interested and involved by its geographical situation and by its historical development, sooner or later it would have to bear the most serious consequences. It therefore corresponds to the law of self-preservation if the German Reich is resolved, in order to re-establish the foundations of a reasonable order in Central Europe, to interfere decisively and to issue the necessary regulations resulting therefrom. For it has already proved by a thousand years of history that, thanks to the greatness as well as the qualities of the German people, it alone is called to carry out this task.

Moved by the earnest wish to serve the true interests of the people living in this living space (Lebensraum) and to secure the independent national existence of the German and the Czech peoples and to serve the peace and social welfare of all, I order in the name of the German Reich the following as a basis for the future living together of the peoples of these regions.

Article 1

- (1) These parts of the country of the former Czecho-Slovakian Republic which were occupied by the German troops in March 1939 belong from now on to the territory of the Greater German Reich and come under its protection as "The Protectorate of Bohemia and Moravia."
- (2) As far as it is required by the defense of the Reich the Fuehrer and Reich Chancellor will issue a different ruling for individual parts of these territories.

Article 2

- (1) The inhabitants of the Protectorate of German blood will become German nationals and according to the provision of the Reich Citizenship Law of 15 September 1935 (Reich Legal Gazette I page 1146) citizens of the Reich. Therefore the regulations for the protection of German blood and German honour are applicable for them too. They are subject to German jurisdiction.
- (2) All other inhabitants of Bohemia and Moravia become nationals of the Protectorate of Bohemia and Moravia.

Article 3

- (1) The Protectorate of Bohemia and Moravia is autonomous and self-governing.
- (2) It exercises the sovereign rights which are its due in the framework of the Protectorate in accord with the political, military and economic interests of the Reich.
- (3) These sovereign rights are looked after through its own agencies and authorities and through its own officials.

Article 4

The head of the autonomous administration of the Protectorate of Bohemia and Moravia enjoys the protection and the honorary rights of a head of a state. The head of the Protectorate requires the confidence of the Fuehrer and Chancellor of the Reich for the exercise of his office.

Article 5

(1) The Fuehrer will appoint a "Reich Protector of Bohemia and Moravia" to watch over the interests of the Reich. His official seat is in Prague.

(2) The Reich Protector has, as representative of the Fuehrer and Chancellor of the Reich and as commissioner of the Reich government, the task of seeing that the political guiding principles of the Fuehrer and Chancellor of the Reich are observed.

(3) The members of the government of the Protectorate are confirmed in their office by the Chancellor of the Reich. The confirmation can be withdrawn.

(4) The Reich Protector is empowered to acquaint himself with all the measures of the government of the Protectorate and to give it advice. He can enter a protest against measures which are likely to injure the Reich and can give the orders necessary in the common interest if there is danger in delay.

(5) The proclamation of laws, ordinances and other legal regulations as also the execution of administrative measures and valid legal judgments are to be deferred, if the Reich Protector enters a protest.

Article 6

(1) The Reich will look after the foreign affairs of the Protectorate in particular the protection of its subjects abroad. The Reich will manage foreign affairs in accordance with the common interest.

(2) The Protectorate will have a representative with the Reich government with the official title of "Envoy".

Article 7 .

- (1) The Reich gives military protection to the Protectorate.
- (2) In the exercise of this protection the Reich will maintain garrisons and military establishments in the Protectorate.
- (3) The Protectorate may set up its own units for the maintenance of internal security and order. The Reich government will decide upon their organization, strength, and weapons.

Article 8

The Reich will carry out direct supervision of traffic and of the postal, telegraph and telephone systems.

Article 9

The Protectorate belongs to the customs zone of the German Reich and is subject to its customs jurisdiction.

Article 10

- (1) Until further notice the Krone is legal tender along-side the Reichsmark.
- (2) The Reich government will determine the relation of the two currencies.

Article 11

- (1) The Reich may issue legal provisions valid for the Protectorate, so far as the common interest renders them necessary.
- (2) In so far as a common need exists, the Reich may take over administrative branches into its own administration and staff them with the Reich officials necessary thereto.
- (3) The Reich government may take the measures necessary for maintaining security and order.

Article 12

The laws prevailing in Bohemia and Moravia at the moment will remain in force, so far as they are not in opposition to the purport of the assumption of protection by the German Reich.

Article 13

The Reich Minister of the Interior will issue in agreement with the Reich Ministers participating the necessary legal and administrative directions for the execution and application of this decree.

Prague, 16 March 1939.

Certified to be the literal and correct copy of above document.

Heidelberg, 82 February 1948.

signed: Eduard W.H.L.

Professor of Law
at the University Heidelberg
special counsel of all defendants

Agreement of 23 March 1939 on the Development of Economic Relations
between the German Reich and the Kingdom of Roumania,

published in the "Reich Law Gazette" II, P.780

In their endeavor to strengthen the steadily developing economic relations
between the two countries and out of the mutual interest in a generous
and planned co-operation in the sphere of economics, the German Reich and
the Kingdom of Roumania have decided to conclude an agreement thereof in
the pursuit of their peaceable aims.

For this purpose the following plenipotentiaries were appointed: by
the German Reich Chancellor:

Ambassador Extraordinary and Minister Plenipotentiary in Bucharest

Dr. Wilhelm FABRICIUS

and Ministerialdirektor of the office of the Plenipotentiary for the
Four Years Plan Herr Helmuth WOLFFAT,

by His Majesty the King of Roumania:

Minister for Foreign Affairs Grigore GAFENCU

and Minister of Economic Affairs Jean B. FLOIN,

who agreed to the following after exchange and study of their credentials:

Article 1.

Supplementary to existing regulations governing German-Roumanian trade
relations, an economic plan covering several years was set up for the
cooperation of the two parties, which plan provides for the fundamental
rule that the balance of the mutual exchange of goods is to be upheld.

The economic plan is designed to take into account on the one hand German
requirements for imported goods and on the other hand the possibilities
of development of Roumanian production and domestic Roumanian requirements
as well as Roumania's need for entertaining trade relations with other
countries.

The economic plan is to include in particular:

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1. a) Development and control of Roumanian agricultural products. This also means that after the competent agencies of both parties have exchanged their experiences, new kinds of agricultural products and greater quantities of those already cultivated are to be grown, in particular fodder, oil seed and fibrous plants.
b) Development of existing and founding of new industries and processing plants.
2. a) Development of the Roumanian wood industry and forestry.
b) Founding of wood-working enterprises and industries as far as it appears necessary with a view to 2a.
3. a) Supply of machinery and installations for mining plants in Roumania.
b) Founding of mixed German-Roumanian companies to open up and utilize copper-pyrites deposits in the Dobruza, of chromium ores in the Banat, of manganese ores in the region of Vatra-Dornei-Prosteni. The utilization of bauxite deposits and, if necessary, the setting up of an aluminum industry is also to be investigated.
4. Founding of a mixed German-Roumanian company which is to explore deposits of mineral oil and which is to carry out a program for the boring and utilization of this oil.
5. Co-operation in the field of industry.
6. Establishing of free zones in which industrial and trade enterprises are to be set up, and installing of facilities for German shipping for the storage and distribution in these free zones.

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7. Supply of war material and equipment for the Roumanian Army, Navy, Air Force and armament industry.
8. Development of the communication and transportation system, of roads and waterways.
9. Establishing of public utilities.
10. Joint activities of German and Roumanian banks in the interest of both countries, especially in order to finance individual business enterprises.

Article II.

The Government committees appointed by the German Reich and by the Kingdom of Roumania on 23 March 1935 by virtue of the agreement for settlement, trade and shipping as defined in Article 32 are commissioned with the execution of this treaty.

Article III.

In each individual instance the Government committees will advise each other of such of their intentions as are in the sense of this treaty. The two Governments will grant the necessary support to those industrial organizations and firms which are commissioned with the preparation and execution of the plans as defined in Article I, and will facilitate the execution of plans approved by the Government committees by granting such permits as are required under the law.

Article IV.

Payments from Germany to Roumania and vice versa resulting from the execution of this treaty will be made in accordance with the general regulations of the German-Roumanian clearing. The Government committees can agree upon that a certain percentage of the proceeds of supplies of goods as provided for in Article I, figure 7 to 9 or other supplies is used for capital investments and the financing of plans as defined in Article I.

(page 4 of original)

Article V.

This treaty is to be ratified. It comes into force one month after exchange of the ratification documents which is to be effected in Berlin as soon as possible. The treaty will find preliminary application on the part of the two partners from the day it is signed.

The treaty will remain effective until 31 March 1944. If it is not cancelled one year prior to this date it is to be regarded as extended for an indefinite period. In this case it can be terminated with a period of one year's notice at the end of each quarter of the calendar year.

Signed in Bucharest in the German and Roumanian languages with two signatures each

on 23 March 1939.

Signed: Wilhelm FABRICIUS
Helmut WOHLTAT
Grigore GAVENCU
J.E. DUVOIN.

Certified true copy.

Heidelberg, 8 February 1948.

Signed: Eduard WARE
Professor of Law
at Heidelberg University
Special Counsel of all Defendants.

Protocol of 27 March 1939 on Spain's joining the Anti-Comintern Pact,
published in the "Reich Law Gazette" II, P.742

The Government of the German Reich, the Italian Government, the Imperial
Japanese Government on the one hand, and the Spanish Government on the
other hand lay down the following through their undersigned plenipotentiaries:

Article I.

Spain becomes a partner to the pact against the Communist International
resulting from the agreement and the supplementary protocol of 25
November 1936 and the protocol of 5 November 1937.

Article II.

The means to facilitate the co-operation of the competent authorities of
the States concerned, as provided for in the supplementary protocol, will
form the subject of a future agreement between these authorities.

Article III.

Verbatim copies of the agreement and the supplementary protocol of 25
November 1936 as well as the protocol of 6 November 1937 are enclosed in
this protocol.

The protocol at hand is issued in the German, Italian, Japanese and
Spanish languages and each text is to be treated as original. It becomes
effective on the day it is signed.

In witness whereof the undersigned, duly authorized by their respective
Governments, have signed and put their seals to this protocol.

Executed in four copies in Turgoe this day, 27 March 1939, - XVII Year
of the Fascist Era, i.e. 27 March of the 14th Year of the Showa Period,
i.e. 27 March of the III Year of Triumph of the New Spanish State.

Signed: Eberhard von STORER.
Viola di CAMPALEI.
Makoto YANO.
JORDANA.

Certified true copy.

Heidelberg, 8 February 1948.

Signed: Eduard WAHL

Professor of Law at Heidelberg University
Special Counsel of all Defendants.

German Reich Government memorandum of 27 April 1939, addressed to the Polish Government, published in the "Voelkische Beobachter" of 29 April 1939.

The German Government have taken note of the Polish-British declaration regarding the progress and aims of the negotiations recently conducted between Poland and Great Britain. According to this declaration there has been concluded between the Polish Government and the British Government a temporary understanding, to be replaced shortly by a permanent agreement which will provide for the giving of mutual assistance by Poland and Great Britain in the event of the independence of one of the two States being directly or indirectly threatened.

The German Government consider themselves obliged to communicate the following to the Polish Government:

When in 1933 the National-Socialist Government set about the reshaping of German policy, after Germany's departure from the League of Nations, their first object was to stabilize German-Polish relations on a new plan. The Chancellor of the German Reich and the late Marshal Pilsudski concurred in the decision to break with the political methods of the past and to enter, as regards the settlement of all questions affecting both States, on the path of direct understanding between them.

By means of the unconditional renunciation of the use of force, guarantees of peace were instituted in order to assist the two States in the difficult task of solving all political, economic and cultural problems by means of the just and equitable adjustment of mutual interests. The principles, contained in a binding form in the German-Polish Peace Declaration of January 26, 1934, had this aim in view, and by their practical success were intended to introduce an entirely new phase of German-Polish relations.

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The political history of the last five years shows that they proved efficacious in practice for both nations. As recently as January 26 of this year, on the fifth anniversary of the signature of the Declaration, both sides publicly confirmed this fact, while emphasizing their united will to maintain in the future their adhesion to the principles established in 1934.

The agreement which has now been concluded by the Polish Government with the British Government is in such obvious contradiction to these solemn declarations of a few months ago that the German Government can take note only with surprise and astonishment of such a violent reversal of Polish policy. Irrespective of the manner in which its final formulation may be determined by both parties, the new Polish-British Agreement is intended as a regular pact of alliance, which by reason of its general sense and of the present state of political relations is directed exclusively against Germany. From the obligation now accepted by the Polish Government it appears that Poland intends in certain circumstances to take an active part in any possible German-British conflict in the event of aggression against Germany, even should this conflict not affect Poland and her interests. This is a direct and open blow against the renunciation of all use of force contained in the 1934 Declaration.

The contradiction between the German-Polish Declaration and the Polish-British Agreement is, however, even more far-reaching in its importance than that. The 1934 Declaration was to constitute a basis for the regulation of all differences arising between the two countries, independently of international complications and combinations, by means of direct discussion between Berlin and Warsaw, to the exclusion of external influences. Naturally, such a basis must rest on the mutual confidence of both parties and on the political loyalty of the intentions of one party with regard to the other.

(page 3 of original)

The Polish Government, however, by their recent decision to accede to an alliance directed against Germany, have given it to be understood that they prefer a promise of help by a third Power to the direct guarantee of peace by the German Government. In view of this the German Government are obliged to conclude that the Polish Government do not at present attach any importance to seeking a solution of German-Polish problems by means of direct friendly discussions with the German Government. The Polish Government have thus abandoned the path traced out in 1934 for the shaping of German-Polish relations.

The Polish Government cannot in this connection appeal to the fact that the 1934 Declaration was not to affect the obligations previously accepted by Poland and Germany in relation to third parties, and that the Treaty of Alliance between Poland and France maintained its value side by side with that Declaration. The Polish-French Alliance already existed in 1934 when Poland and Germany proceeded to reorganize their relations. The German Government were able to accept this fact, since they were entitled to expect that the possible dangers of the Polish-French Alliance, dating from the period of the acutest German-Polish differences, would automatically lose more and more of their significance through the establishment of friendly relations between Germany and Poland. However, the entry of Poland into relations of alliance with Great Britain, which was effected five years after the publication of the Declaration of 1934, can for this reason in no way be compared politically with the still valid Polish-French Alliance. By this new alliance the Polish Government have subordinated themselves to a policy inaugurated from another quarter aiming at the encirclement of Germany.

(page 4 of original)

The German Government for their part have not given the least cause for such a change in Polish policy. Whenever opportunity offered, they have furnished the Polish Government, both publicly and in confidential conversations, with the most binding assurances that the friendly development of German-Polish relations is a fundamental aim of their foreign policy, and that, in their political decisions, they will always respect Poland's proper interests. Thus the action taken by Germany in March of this year with a view to the pacification of Central Europe did not, in the opinion of the Government of the Reich, disturb Polish interests in any way. This action led to the creation of a common Polish-Hungarian frontier, which had constantly been described on Poland's side as an important political objective. Moreover, the German Government gave unequivocal expression to their readiness to discuss with the Polish Government in a friendly manner all problems which, in the Polish Government's opinion, might arise out of the changed conditions in Central Europe.

In an equally friendly spirit the German Government tried to regulate yet another question outstanding between Germany and Poland, namely, that of Danzig. The fact that this question required settlement had long been emphasized on the German side, and was not denied on the Polish side.

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For a long time past the German Government have endeavoured to convince the Polish Government that a solution was certainly possible which would be equitable to the interests of both parties and that the removal of this last obstacle would open a path for a political collaboration of Germany and Poland with the most favourable prospects. In this connection the German Government did not confine themselves to allusions of a general nature, but in March of this year proposed to the Polish Government in a friendly form a settlement of this question on the following basis:

The return of Danzig to the Reich. An extra-territorial railway line and motor road between East Prussia and the Reich. In exchange, the recognition by the Reich of the whole Polish Corridor and the whole of Poland's western frontier; the conclusion of a non-aggression pact for twenty-five years; the maintenance of Poland's economic interests in Danzig and the settlement of the remaining economic and communications problems arising for Poland out of the union of Danzig with the Reich. At the same time, the German Government expressed their readiness to respect Polish interests in ensuring the independence of Slovakia.

Nobody knowing conditions in Danzig and the Corridor and the problems connected therewith can deny, in judging the matter objectively, that this proposal constitutes the very minimum which must be demanded from the point of view of German interests, which cannot be renounced. The Polish Government, however, gave a reply which, although couched in the form of counter-proposals, showed in its essence an entire lack of comprehension for the German point of view and was equivalent merely to a rejection of the German proposals.

(page 6 of original)

The Polish Government proved that they did not consider their reply suitable for the initiation of friendly discussions by proceeding at the same time, in a manner as unexpected as it was drastic, to effect a partial mobilization of the Polish army on a large scale. By these entirely unjustified measures, the Polish Government demonstrated the meaning and object of the negotiations which they immediately afterwards entered upon with the British Government. The German Government do not consider it necessary to reply to the partial Polish mobilization by counter-measures of a military character. They cannot, however, disregard without a word the decisions recently taken by the Polish Government, and are forced, to their own regret to declare as follows:

1. The Polish Government did not avail themselves of the opportunity offered to them by the German Government for a just settlement of the Danzig question, for the final safe-guarding of Poland's frontiers with the Reich, and thereby for a permanent strengthening of the friendly neighbourly relations between the two countries. The Polish Government even rejected German proposals made with this object.
2. At the same time the Polish Government accepted, with regard to another State, political obligations which are not compatible either with the spirit, the meaning or the text of the German-Polish Declaration of January 26, 1934. Thereby the Polish Government arbitrarily and unilaterally rendered this Declaration null and void.

In spite of this necessary statement of fact, the Government of the Reich do not intend to alter their fundamental attitude towards the

(page 7 of original)

question of the future of German-Polish relations. Should the Polish Government attach importance to a new settlement of these relations by means of a treaty, the German Government are ready to do this, but on one condition, namely, that such a settlement would have to consist of a clear obligation binding on both parties.

Certified true copy.

Heidelberg, 8 February 1948.

Signed: Eduard WAWL
Professor of Law
at Heidelberg University
Special Counsel of all Defendants.

Official German announcement dated 2 May 1939 concerning the State visit of the Hungarian Prime Minister Count TELEKI and the Hungarian Foreign Minister Count CZAKY to Berlin (29 April to 2 May)

"Voelkischer Beobachter", 3 May 1939.

The Hungarian State visit ended on Tuesday. In the discussions held by Count TELEKI, Royal Hungarian Prime Minister and Count CZAKY, Royal Hungarian Foreign Minister with the Fuehrer and von RIBBENTROP, Reich Minister for Foreign Affairs, General Field Marshal GOERING and Rudolf HESS, the Fuehrer's Deputy, all topical questions concerning Germany and Hungary. Furthermore an examination of the European situation resulted in complete understanding on both sides. Also the events arranged during the state visit made a valuable contribution to German-Hungarian friendship.

After a visit lasting several days the Hungarian statesmen left the Reich capital on Tuesday morning and returned to Budapest.

This copy is certified correct
Heidelberg, 8 February 1948

signed: Eduard WÄHL

Professor of Law at the
University of Heidelberg
special counsel of all defendants

Mutual Assistance Agreement between Germany and Italy dated 22 May 1939,

"Reich Law Gazette II, page 826".

The German Reich Chancellor and His Majesty the King of Italy and Albania, Emperor of Ethiopia, consider that the moment has come when the close relations of friendship and affinity which exist between National-Socialist Germany and Fascist Italy should be strengthened through a solemn pact.

Since a safe bridge for mutual help and support has been created by the common frontier between Germany and Italy, which has been fixed for all time, the two Governments acknowledge once again a policy which in its bases and objects has already previously been agreed upon by them and which has proved itself successful, both for the promoting of the interests of the two countries and also for the securing of peace in Europe.

Closely bound together through the internal relationships of ideologies and through the comprehensive solidarity of interests, the German and Italian peoples have decided in the future also, side by side and with united strength, to stand up for the securing of their sphere of living and for the maintenance of peace.

In this way, which has been prescribed to them by history, Germany and Italy, in the midst of a world unrest and disintegration, desire to devote themselves to the task of securing the foundations of European culture.

.....

This copy certified correct
Heidelberg, 8 February 1948

signed: Eduard WAHL

Professor of Law at the
University of Heidelberg
Special counsel of all defendants

German-Danish Non-aggression pact dated 31 May 1939, -

Reich Law Gazette II, page 857.

The Chancellor of the German Reich and His Majesty the King of Denmark and Iceland,

desirous to maintain in all circumstances peace between Germany and Denmark, have agreed to express their decision by a treaty, and have nominated for their plenipotentiaries:

The Chancellor of the German Reich: Herr Joachim von RIBBENTROP,
Reich Minister for Foreign
Affairs,

His Majesty the King of Denmark and Iceland: Kammerherr Herluf
ZAHLE, envoy extra-
ordinary and Minister Pleni-
potentiary in Berlin,

who, after having exchanged their full powers, found in good and due form, have agreed on the following provisions:

Article 1.

The German Reich and the Kingdom of Denmark will in no circumstances proceed to make war or use any other measures of violence against each other.

If a third power should instigate an act of the kind described in paragraph 1 against one of the parties to the treaty, the other party to the treaty will in no way support such an act.

Article 2.

The present treaty shall be ratified. The ratifications shall be exchanged in Berlin as soon as possible.

The treaty shall come into force with the exchange of ratifications and shall be valid for a period of ten years from that date. Unless notice to the contrary is given by one party to the treaty at the latest one year before the termination of that period, the treaty shall be renewed for a further ten years. The same condition applies to subsequent periods. The two plenipotentiaries have signed the treaty.

Done in two copies, in the German and Danish languages, in
Berlin on 31 May 1939.

(signed) Joachim von RIBBENTROP. (signed) Herluf ZAHLE.

Signature Protocol.

At the signing of the German-Danish treaty of today's date both
parties agreed to the following:

In the case of conflict, that party to the treaty which is not a
participant in the conflict shall not be said to render support within
the meaning of Article 1, paragraph 2 of the treaty, as long as the
conduct of that party does not violate the general rules of neutrality.
It shall not, therefore, be regarded as improper support if the normal
exchange and transit of goods is maintained between the party to the
treaty which is not a participant in the conflict and the third power.
Berlin, 31 May 1939.

(signed) Joachim von RIBBENTROP. (signed) Herluf ZAHLE.

This copy certified correct

Heidelberg, 8 February 1948

signed: Eduard WAHL

Professor of Law at the
University of Heidelberg
Special counsel of all defendants.

Official announcement of 5 June 1939 concerning the state visit of Prince PAUL, Regent of Yugoslavia to Berlin (1 to 5 June) -

"Voelkischer Beobachter", 6 June 1939.

The visit to Berlin of Prince PAUL, Regent of Yugoslavia and his entourage has offered an opportunity for a comprehensive exchange of opinions on political questions between the Yugoslav guests and the appropriate German offices. The discussions, which were conducted with the greatest cordiality and in a most friendly spirit, covered all the questions which touch both countries.

Both parties see in the close friendship and cooperation which bind Yugoslavia and Germany an important element for maintaining peace in Europe and for a policy which really aims at constructive work. Both governments are firmly resolved further to consolidate their relations on this clear and firm basis in political, economic and cultural respects.

They are, in complete agreement with the Italian government, convinced that with this clearly defined policy they will help to ease the present political tension in Europe and to ensure peaceful developments which will protect the right of existence of all people.

This copy is certified correct

Heidelberg, 8 February 1948

Signed: Edward WAHL

Professor of Law at the
University of Heidelberg
Special counsel of all defendants

Non-aggression pact between the German Reich and the Republic of Estonia
dated 7 June 1939 -

Reich Law Gazette II, page 945.

The Chancellor of the German Reich and the President of the Republic of Estonia, desirous to maintain in all circumstances peace between Germany and Estonia, have agreed to express their decision by a treaty, and have nominated for their plenipotentiaries:

The Chancellor of the German Reich: Herr Joachim von RIBBENTROP,
Reich Minister for Foreign
Affairs,

The President of the Republic of Estonia: Herr Karl SELTER,
Minister for Foreign
Affairs,

who, after having exchanged their full powers, found in good and due form, have agreed on the following provisions:

Article 1.

The German Reich and the Republic of Estonia will in no circumstances proceed to make war or use any other measures of violence against each other.

If a third power should instigate an act of the kind described in paragraph 1, against one of the parties to the treaty, the other party to the treaty will in no way support such an act.

Article 2.

The present treaty shall be ratified. The ratifications shall be exchanged in Berlin as soon as possible.

The treaty shall come into force with the exchange of ratifications and shall be valid for a period of ten years from that date. Unless notice to the contrary is given by one party to the treaty at the latest one year before the termination of that period, the treaty will be renewed for a further ten years. The same condition applies to subsequent periods. The present treaty, however, shall not remain in force longer than the corresponding treaty signed today between Germany and Latvia. If the treaty should for this reason

become invalid before the date specified in paragraph 2, the German and Estonian governments will, at the request of either party, enter negotiations concerning the renewal of the treaty.

The two plenipotentiaries have signed the treaty.

Done in two copies, in the German and Estonian languages, in Berlin on the 7 June 1939.

(signed) v. RIBBENTROP.

(signed) K. SELTER.

Signature Protocol.

At the signing of the German-Estonian treaty of today's date both parties agreed to the following:

In the case of conflict, that party to the treaty which is not a participant in the conflict shall not be said to render support within the meaning of Article 1, paragraph 2 of the treaty, as long as the conduct of that party does not violate the general rules of neutrality. It shall not, therefore, be regarded as improper support if the normal exchange and transit of goods is maintained between the party to the treaty which is not a participant in the conflict and the third power.

Berlin, 7 June 1939.

(signed) v. RIBBENTROP

(signed) K. SELTER.

This copy is certified correct

Heidelberg, 8 February 1948

Signed: Eduard WAHL

Professor of Law at
the University of Heidelberg
Special counsel of all defendants

Non-aggression pact between the German Reich and the Republic of Latvia dated 7 June 1939, -

"Reich Law Gazette" II, page 947.

The Chancellor of the German Reich and the President of the Republic of Latvia, desirous to maintain in all circumstances peace between Germany and Latvia, have agreed to express their decision by a treaty, and have nominated for their plenipotentiaries:

The Chancellor of the German Reich: Herr Joachim von RIBBENTROP
Reich Minister for Foreign Affairs,

The President of the Republic of Latvia:
Herr Vilhelm MUNTERS,
Minister for Foreign Affairs,

who, after having exchanged their full powers, found in good and due form, have agreed on the following provisions:

Article 1.

The German Reich and the Republic of Latvia will in no circumstances proceed to make war or use any other measures of violence against each other.

If a third power should instigate an act of the kind described in paragraph 1 against one of the parties to the treaty, the other party to the treaty will in no way support such an act.

Article 2.

The present treaty shall be ratified. The ratifications shall be exchanged in Berlin as soon as possible.

The treaty shall come into force with the exchange of ratifications and shall be valid for a period of ten years from that date. Unless notice to the contrary is given by one party to the treaty at the latest one year before the termination of that period, the treaty will be renewed for a further ten years. The same condition applies to subsequent periods.

The present treaty, however, shall not remain in force longer than the corresponding treaty signed today between Germany and Estonia.

If the treaty should for this reason become invalid before the date specified in paragraph 2, the German and Latvian governments will, at the request of either party, enter negotiations concerning the renewal of the treaty.

The two plenipotentiaries have signed the treaty .

Done in two copies, in the German and Latvian languages, in Berlin on the 7 June 1939.

(signed) v. RIBBENTROP.

(signed) Vilh. MUNTERS

Signature Protocol.

At the signing of the German-Latvian treaty of today's date both parties agreed to the following:

In the case of conflict, that party to the treaty which is not a participant in the conflict shall not be said to render support within the meaning of Article 1, paragraph 2 of the treaty, as long as the conduct of that party does not violate the general rules of neutrality. It shall not, therefore, be regarded as improper support if the normal exchange and transit of goods is maintained between the party to the treaty which is not a participant in the conflict and the third power.

Berlin, 7 June 1939.

(signed) von RIBBENTROP.

(signed) Vilh. MUNTERS.

This copy is certified correct

Heidelberg, 8 February 1948

signed: Eward WAHL

Professor of Law at the
University of Heidelberg
Special counsel of all defendants

Official Announcement dated 7 July 1939 concerning the state visit of the Bulgarian Prime Minister and Foreign Minister KJOSSEWANOFF to Berlin (5 to 7 July) -

"Völkischer Beobachter" dated 8 July 1939.

The talks which were conducted on the occasion of the visit of the Bulgarian Prime Minister to Berlin offered an opportunity to discuss the general situation, as well as all questions concerning German-Bulgarian relations.

The discussions were conducted in the spirit of the cordial sentiments of the old-established friendship existing between Germany and Bulgaria. They offered fresh proof of the extent to which the natural and traditional friendship of both countries with each other and with Italy contributes towards strengthening Bulgaria as a factor in the maintenance of order in south-eastern Europe. In this spirit Germany and Bulgaria will further consolidate their relations in political, economic and cultural respects.

This copy is certified correct

Heidelberg, 8 February 1948

signed: Edward WAHL

Edmund: Professor of Law at the
University of Heidelberg
Special counsel of all defendants

Non-Aggression pact between Germany and the Union of Soviet Socialist Republics - 23 August 1939-

"Reich Law Gazette II, Page 968"

The Government of the German Reich and the Government of the Union of Soviet Socialist Republics, guided by the desire to strengthen the cause of peace between Germany and the Union of Soviet Socialist Republics, and taking as a basis the fundamental regulations of the Neutrality Agreement concluded in April 1926 between Germany and the Union of Soviet Socialist Republics, have reached the following agreement:

Article I.

The two Contracting Parties bind themselves to refrain from any act of force, any aggressive action and any attack on each other, both singly and also jointly with other Powers.

Article II.

In the event of one of the Contracting Parties becoming the object of warlike action on the part of a third Power, the other Contracting Party shall in no manner support this third Power.

Article III.

The Governments of the two Contracting Parties shall in future remain continuously in touch with each other, by way of consultation, in order to inform each other on questions touching their joint interests.

Article IV.

Neither of the two Contracting Parties shall participate in any grouping of Powers which is directed directly or indirectly against the other Party.

Article V.

In the event of disputes or disagreements, whatever their nature or origin, arising between the Contracting Parties, both Parties would clarify these disputes or disagreements exclusively by means of friendly exchange of opinion or, if necessary, by arbitration committees.

Article VI.

The present Agreement shall be concluded for a period of ten years on the understanding that, in so far as one of the Contracting Parties does not give notice of termination one year before the end of this period, the period of validity of this Agreement shall automatically be regarded as prolonged for a further period of five years.

Article VII.

The present Agreement shall be ratified within the shortest possible time. The instruments of ratification shall be exchanged in Berlin. The Agreement takes effect immediately after it has been signed:

Moscow, 23 August 1939.

For the German Reich Government:
von RIBBENTROP

For the Government of the Union of
Soviet Socialist Republics:
S. MOLOTOW.

This copy is certified correct
Heidelberg, 8 February 1948

signed: Eduard WAHL

Professor of Law at the
University of Heidelberg
Special Counsel of all defendants.

Front page head lines from the "Voelkischer Beobachter", the Third Reich's semi-official organ.

- 18 July 1939 Hysterical Polish victory celebrations after a delay of 529 years.
Delusions of grandeur prompting National Democrats' decision. (concerning commemoration of Grunewald-battle in 1410).
- 27 July 1939 Poland's plans of conquest black on white.
The hottest danger spot in Europe.
- 6 August 1939 Polish agitation maps as proof of Warsaw's rapacity.
Propaganda for annexation based on "historical" borders.
- 10 August 1939 Danzig or War !
The British war-monger Duff COOPER regretting guarantees to Poland.
- 17 August 1939 Delusions of grandeur, rapacity and terror endangering peace.
Mass arrests in Eastern Upper Silesia.
Warsaw paper demanding the policy against Germany to be based on accomplished facts.
- 19 August 1939 Mass deportations of Germans into the interior of Poland.
Reich Germans also ill treated and deported.
New flood of refugees pouring into Protectorate.
- 20 August 1939 Inhuman treatment of Germans in Poland.
Senseless vandalism.
Hunted with blood hounds.
- 23 August 1939 Poles concentrating troops on borders.
Trenches along border.
- 24 August 1939 Polish coup against Danzig planned.
Polish Army circles favor surprise attack at once.
Polish batteries shot at two German passenger planes.

(page 2 of original)

- 25 August 1939 Polish Army ready to strike.
Impending attack on Danzig.
General Mobilization started; Polish Division encircling
the Free City.
- 27 August 1939 Polish aggressors' First war aims.
Impending attack against Silesia.
New serious border violations by Poland.
Preparations for "quick seizure" of German territories.
Slaughter of German refugees.
Third German passenger plane shot at on Friday.
- 27 August 1939 Panic mood in Poland .
- Special edition Murderous terror and massacre raging on.
Unimaginable sufferings of Upper Silesian population.
Rebels staging night of bloodshed.
Whole of Poland in grip of war fever.
- 29 August 1939 Polish extermination campaign against Germans.
Cruelty and murder unchecked.
Polish police detachment for Danzig.
Poland's main fronts against the Reich established.
- 30 August 1939 8 new victims of Polish reign of terror.
Ethnic German refugees shot down.
Homesteads put on fire.

Certified true copy.

Heidelberg, 8 February 1946

Signed: Ewald WAHL
Professor of Law at Heidelberg University
Special Counsel for all Defendants.

Leading Article of the "Voelkischer Beobachter," of 27 July 1939.

What is being kept from the Western nations.
Poland's plans for conquest, black on white.
The hottest danger spot in Europe

The Voelkischer Beobachter's own report.

Berlin, 26 July

When a few days ago the London Times asserted that Polish fanaticism and chauvinism only existed in German propaganda, we undertook to bring proof of the contrary. To-day we are fulfilling that promise by means of the survey below; it consists of quotations from leading Polish newspapers, from public meetings of great Polish associations, statements of prominent Polish politicians. Every single quotation is identified as to date and source. It can be seen from the survey that there are actually no limits to Polish fanaticism and chauvinism, that in no other European country is there a parallel to be found to their boundless lust for conquest and that through this, Poland has without any doubt become the hottest danger spot of Europe.

The British government and their journalist hirelings are making themselves guilty before history, by keeping this the true nature of the Polish danger completely secret from their people and the nations allied with London. They are furthermore adding fuel to the Polish megalomania, indirectly through their silence, and directly through their almost daily repeated assurances that they would stand by Poland in the case of any eventuality. A more unscrupulous and irresponsible policy has probably never yet been pursued in the history of Europe.

28 April 1939

The "Kurier Polski" writes:

As the present status of Danzig cannot be maintained much longer in view of the shaken authority of the League at Geneva, there is only one solution to the Danzig problem, namely

(page 2 of original)

for Poland to take over the protectorate over the Free City.

2 May 1939

The "Illustrowany Kurjer Codzienny (J.K.C.) raises the demand that East Prussia be united with Poland, through indissoluble ties.

2 May 1939

At a conference of the Rebels' Association at Katowice, Voivode GRAZINSKI stated the following among other things:

"If attacked, we shall fight out of the conviction that Poland is entitled to a lot more, on the basis of its uncompleted historical and national mission as well as its right of existence (compare J.K.C. of 5 May 1939)

2 May 1939.

The Cracow "Illustrowany Kurjer Codzienny" writes:

When the Fuehrer made Austria into German country and united it with the Reich, Silesia and East Prussia, being Polish, ought to have been ceded to Poland. For these territories are purely Polish and the German element there is only being preserved by artificial means.....Poland needs a wider access to the sea than at present.

4 May 1939

On 4 May most Polish newspapers passed on a report of the Ate news agency according to which Vice-Sect-Marshal SURZYNSKI in a speech on the occasion of the Polish national holiday, among other things stated the mouth of the Weichsel was the Lebensraum of the Polish nation. After a long journey through ancient Polish lands, it was there that the Weichsel flowed into the Polish Baltic Sea.

4 May 1939.

On the occasion of the demonstration held on 4 May 1939 in the entrance hall of Posen University, a speaker introduced as deputy president of the "All Polish Youth League" said among other things: "Germany grew out of a state that was a former vassal of Poland, namely Prussia.

(page 3 of original)

In 1410, the German had been beaten near Tannenberg, but this time they would be hacked to pieces near Berlin. He continued to proclaim the demands of Polish Youth in the sphere of foreign policy:

The return of Danzig, the annexation of East Prussia and Silesia were to be considered the minimum demands, the fulfilment of which would result in establishing Poland's rightful frontier on the Oder. Beyond this minimum, the speaker also demanded the Lausitz region for Poland.

The third speaker was a certain NONACEI who stated the common border between Germany and Poland was at present more than 2700 kilometers. It would only be 700 kilometers after the occupation of East Prussia and after the establishment of the borderline along the Oder to Stettin; but it would hardly be more than 400 kilometers long after the victory of Berlin. That great Polish victory was going to be the culmination of the unavoidable war against Germany, which aimed at the subjugation of Europe and through it, Poland would dominate the whole of Europe.

7 May 1939.

At the chief annual meeting of the Association of Polish Elementary School Teachers of Upper Silesia which was held on 7 May at Katowice, a resolution was carried, that the Polish teachers considered it one of their foremost educational tasks to direct the pupil's eyes towards the West, where the "Polish Oder" flows and to prepare them for the "decisive hour, when with a patriotic song on their lips, they were going to march towards their Polish brethren on the Oder and bring them liberty". For their own part, the Polish teachers stated when the order comes they will be ready, to go into battle in order to enlarge the Polish State territory and move their borders to the West.

7 May 1939.

At a scientific conference of the Baltic Institute

(page 4 of original)

at Lemberg, the director of the institute for research into economic cycles, Professor LIPINSKI, said approximately the following:
Any go-between dividing Danzig from Poland had to vanish. A large industrial centre had to be developed on the coast between Danzig and Gdynia. Danzig must not be a foreign body dissected from the economic organism of Poland. At the same conference Professor PAWLOWSKI of Posen University spoke in favor of the establishment of one large harbor of Danzig-Gdynia. (J.K.C. of 9 May 1939.)

15 May 1939.

Various students organizations, among them the self-help organization of all Warsaw colleges presented a resolution to the public.

They also handed that resolution to the editors and the commandant of the "Academic Legion" which is ^aquasi-military organization. In the preamble of the resolution, the alleged lack of space in Poland is stressed and in order to alleviate that lack of space, demands are put forward for German regions, enumerating by name in particular those territories, which once proved beyond any doubt through a plebiscite held under interallied control that they did not care for Poland. That, however, does not prevent the students to speak of "territorial rights."

After that preamble, they state, that it is Poland's task to defend the Slavs against the "onslaught of the barbarian Germanism".

It, therefore, had to insist upon an expansion of its territory and claim "all its historical and ethnographical provinces." Poland had to continue in the footsteps of its forebears and to endeavour that Prussia be once more humbled before Poland.

23 May 1939.

The "Dziennik Poznański" which is close to government circles, writes as follows:

(page 5 of original)

The following were the three foremost topics in Warsaw:

Danzig, Masuria and Oppeln. There was talk in Warsaw that these territories had to become Polish.

31 May 1939.

The association of reserve officers which meets at Thorn and Mewe, stated the following in a resolution. Danzig was situated within the territory, vital for Poland's economic life. Poland had to have a free and unfettered access to the sea via Danzig. For that reason, Danzig's sovereignty must be restricted and the influence of the Reich in Danzig be removed (D.N.B. of 1 June 1938.)

4 June 1939.

The JKO of 4 June publishes a historical map of Germany around the year 1000 A.C. adding the following remarks:

"Our coastline once extended from Lubeck to Danzig. Now only a small part of this has remained, which ought to be enlarged by about 200 kilometers towards the West, up to where the region of Polish settlement extended according to German historical sources."

10 June 1939.

At a congress of the West-Association in Warsaw it is pointed out that East Prussia was Polish Lebensraum. At the moment they were facing the important task to direct Polish expansion toward this ancient Polish territory. The truth had to be spread in Poland, that the Masures living in East Prussia were of the same blood as the Masures living in Poland. (DNB dated 10 June).

June 1939.

The monthly periodical "Teczka" which is published in Posen by the St. Adelbert "S.W. Wojciszka" publishing house, sets itself up as spokesman of Polish plans of grandeur.

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Its chief-editor KISILEWSKI in the June issue 1939 of "Teczka" starts to agitation not only for the return of the well-known "historical Polish lands" but to name as goal the control of Central Europe by Poland. The author sees the Polish people ready for this new historical task, as the 20 years' period during which "Poland found back to its own place" in the world was now concluded, that the Polish people was united on important/^{questions} as never before and in a more "aggressive" mood than at any time since the World War. KISILEWSKI goes on to enumerate the "Historical Polish lands" such as Silesia, Bost, Meseritz, Grenzmark, Eastern Pomerania and East Prussia. To the triumphant assertion that also for these "ravished countries" the "hours of freedom" would strike soon the Polish pen pusher adds the remark that the impending earth quake in Europe would show, that neither the materialist German National Socialism nor the Liberalism of the Democracies (!) had been able to organize the social life of the European nations. The earth quake of Europe would give place to the "Pax Polonica", which was identical with peace and justice. Fate was thus entrusting Poland with the historical task to organize the life of Central Europe.

16 June 1939.

In a resolution taken at a meeting of the organization "Młoda Wiosna", (village youth) fraternal greetings were extended to the Poles in the Oppeln region and in East Prussia and the rural youth avowed it was ready to stake everything, in order that these "ancient Polish" territories "return" to Poland. Danzig too had been a Polish city and would become one again. (DNE dated 19 June 1939.)

26 June 1939.

On the occasion of Dr. BIELICKI's election as president of the National Democrat Party, the DNE reports that

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BIELECKI stated a few weeks ago at Lemberg, that Danzig had once been Polish and had to become so once more.

2 July 1939.

Colonel WENDA, Chief of Staff of the "Camp of National Unity" at the district meeting of the Camp at Teschen stated the following:
The present borders of the Polish state were not identical with the its historical borders. Poland would never tolerate that his rights in Danzig be diminished. did not only have to defend, it even had to conquer something.

True copy certified

Heidelberg, 8 February 1946.

Signed: Eduard WAHL

Professor of Law at Heidelberg University

Special Counsel of all Defendants.

Extractions

William L. SHIRER,

Berlin Diary, the Journal of a Foreign Correspondent
1934 - 1941, New York, Alfred A. Knopf 1943.

.....
p. 138 Berlin, August 10

Whereas all the rest of the world considers that the peace is about to be broken by Germany, that it is Germany that is threatening to attack Poland over Danzig, here in Germany, in the world the local newspapers create, the very reverse is being maintained. (Not that it surprises me, but when you are away for a while, you forget). What the Nazi papers are proclaiming is this: that it is Poland which is disturbing the peace of Europe; Poland which is threatening Germany with armed invasion, and so forth. This is the Germany of last September when the steam was turned on Czechoslovakia.

p. 139 Danzig, August 11

For a place where the war is supposed to be about to break out, Danzig does not quite live up to its part. Like the people in Berlin, the local inhabitants don't think it will come to war. They have a blind faith in HITLER that he will effect their return to the Reich without war.

....The people want to be joined to Germany. But not at the cost of war or the loss of their position as an outlet for Polish trade.

p. 147Berlin, August 24, seven p.m.

.....The German people haven't yet been sufficiently

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worked up for war. No "cause" yet. No slogan. The papers haven't yet written a word that war is imminent. The people in the streets are still confident HITLER will pull it off again without war. I cannot see war being popular among the masses as in 1914.

p. 149Berlin, August 27 (Sunday)

....Tomorrow's Voelkischer Beobachter will ask the people to be patient: "The Fuehrer is still demanding patience from you because he wants to exhaust even the last possibilities for a peaceful solution of the crisis. That means a bloodless fulfilment of the irreducible German demands."

p. 151 Berlin, August 28

....Announcement of food cards and the publication of the text of the letters of HITLER and DALADIER seem to have made the people in the street at last realize the seriousness of the situation, judging by their looks. An old German reading the letters said to me: "Ja, they forget what war is like. But I don't. I remember."

p. 152 Berlin, August 29

The average German today looks dejected. He can't get over the blow of the ration cards, which to him spells war. Last night when HENDERSON flew back with London's answer to HITLER's demands - on a night when everyone knew the issue of war or peace might be decided - I was amazed to see that less than 500 people out of a population of 5,000,000 turned out in front of the Chancellery. These few stood there grim and silent. Almost a defeatism discernible in the people. One man remarked to me last night: "The corridor! Hell, we

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haven't heard about that for twenty years. Why bring it up now?"

p. 153 Berlin, August 31 (morning)

Everybody against the war. People talking openly. How can a country go into a major war with a population so dead against it? People also kicking about being kept in the dark. A German said to me last night: "Why? We know nothing. Why don't they tell us what's up?"

p. 162 Berlin, September 3

....I was standing in the Wilhelmplatz about noon when the loud-speakers suddenly announced that England had declared herself at war with Germany. Some 250 people were standing there in the sun. They listened attentively to the announcement. When it was finished, there was not a murmur. They just stood there as they were before. Stunned. The people cannot realize yet that HITLER has led them into a world war. No issue has been created for them yet, though as this day wears on, it is plain that "Albion's perfidy" will become the issue as it did in 1914. In Mein Kampf HITLER says the greatest mistake the Kaiser made was to fight England, and Germany must never repeat that mistake.

....In 1914, I believe, the excitement in Berlin on the first day of the World War was tremendous. Today, no excitement, no hurrahs, no cheering, no throwing of flowers, no war fever, no war hysteria. There is not even any hate for the French and British - despite HITLER's various proclamations to the people, the

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party, the East Army, the West Army, accusing the "English war-mongers and capitalistic Jews" of starting this war.

p. 168 Berlin, September 11

....Later (midnight). - In the subway, going out to broadcast to-night, I heard considerable grumbling about the war. The women, especially, seemed depressed. And yet when I came back after the broadcast, a big crowd, mostly women, got on at the station under the Deutsches Opernhaus. They had been to the Opera and seemed oblivious of the fact that a war was on, that German bombs and shells were falling on the women and children in Warsaw. I doubt if anything short of an awful bombing or years of semi-starvation will bring home the war to the people here.

.....

A certified true extract:

Heidelberg, March 2, 1948

Dr. Julius FENSTERMAKER

Assistant Counsel for All Defendants

VOLKISCHER BEOBERACHTER

Polish agitation maps proofs of Warsaw's rapacity.
Propaganda for annexation based on "historical" borders.
What is being kept from the British and French.

.....

Propaganda card of the National Democrats, printed and distributed
on large scale.

Colonel WENDEL, Chief of Staff of the Government Camp, on 2 July 1939:

"The present borders of the Polish state are not identical with
its historical borders. Poland not only has to defend it even
has to conquer something."

.....

Map of Greater Poland, including of Danzig, East Prussia and
(illegible) distributed as post card since 1938.

The Fuehrer's letter of reply to the French Prime Minister DALADIER,
dated 27 August 1939.

from the "Voelkischer Beobachter" of 28 August 1939.

Berlin, 27 August 1939.

Your Excellency,

I understand the misgivings which you express. I, too, have never overlooked the high responsibility which is laid upon those who are placed in charge of the destiny of peoples. As an old soldier of the front line I know, as you do, the horrors of war. It is from this outlook and knowledge that I, too, have honestly striven to remove all grounds for conflict between our two peoples. One thing I stated quite frankly to the French people: that the condition for this would be the return of the Saar district. After this return I at once solemnly affirmed my surrender of any further claims which could affect France. The German people has approved this attitude of mine. As you could convince yourself during your last visit to Germany the German people, conscious of its own attitude, felt and still feels towards its former brave enemy no kind of animosity, much less hatred. On the contrary. So soon as peace was established on our western frontier there arose a growing sympathy, at least on the side of the German people - a sympathy which on many occasions was shown in a positively demonstrative fashion. The building of the great western fortifications, which has absorbed and still absorbs many milliards, represents for Germany at the same time an evidence of the acceptance and final delimitation of the frontier of the Reich. Thereby the German people has surrendered its claim to two provinces which once belonged to the old German Reich, were later conquered through much bloodshed and were finally defended at the cost of far greater bloodshed. This surrender, as you, your Excellency, must admit, was no diplomatic attitude merely displayed to the outside world, but a decision which found its logical confirmation in all our measures. You will, Mr. Prime-Minister, be unable to adduce a single instance

(page 2 of original)

in which, if it were but through a single line or a speech, there was anything which contravened this final delimitation of the frontier of the German Reich on the West. I thought that through this surrender and through this attitude I had removed every conceivable ground of conflict between our two peoples which could lead to a repetition of the tragedy of the years 1914 to 1918. This voluntary limitation of the vital claim (Lebensanspruch) of Germany in the West cannot, however, be interpreted as an acceptance of the 'Diktat' of Versailles extending to all other spheres. I have in fact tried year after year by the way of negotiation to effect a revision of at least the most impossible and most intolerable provisions of this 'Diktat'. This proved impossible. That revision must come was clearly realized by many intelligent persons from all nations. Whatever may be adduced against my method, whatever criticism it is believed must be brought against it, it must not be overlooked or contested that through this method it was possible without fresh bloodshed in many cases to find solutions which did not satisfy Germany alone but that through the character of my action the statesmen of other peoples were relieved of the obligation, which would often have been for them an impossible obligation, to have to answer for this revision before their own peoples; for one thing in any event your Excellency must grant me: Revision had to come. The 'Diktat' of Versailles was intolerable. No honourable Frenchman not even yourself, Monsieur DALADIER, would in a like position have acted otherwise than I have done. It is in this spirit, too, that I have now sought to banish from the world the most unreasonable of the provisions of the 'Diktat' of Versailles. I have made an offer to the Polish Government which has shocked the German people. No other than I could possibly have dared to come before the public with such an offer. It could therefore be made only once for all. I am profoundly convinced that if at that time, especially from England, instead of launching

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a wild campaign against Germany in the Press, instead of spreading reports of a German mobilization, Poland had been counselled to be reasonable, Europe to-day and for twenty-five years after could have enjoyed a condition of the most profound peace. It was only through this lie of German aggression that public opinion in Poland was inflamed, it became more difficult for the Polish Government to make its own necessary, clear decisions, while, above all, through the promise of the guarantee which followed, men's vision of the limits of practical possibilities was clouded. The Polish Government rejected the proposals. Polish public opinion, in the certain conviction that now assuredly England and France would fight in Poland's support, began to raise claims which one might call ludicrous insanity if they were not so intensely dangerous. Then there began an intolerable terrorism, a physical and economic oppression of the Germans, who still numbered over one and a half millions, in the areas which had been separated from the Reich. I will not speak here of the atrocities which have been perpetrated. But even Danzig, through the continual excesses of the Polish authorities, became increasingly conscious that it was given over, apparently without hope of relief, to a force which was alien to the national character of the city and its population.

May I now ask you, Monsieur DALADIER, how would you as a Frenchman act if through some unfortunate issue of a brave fight one of your provinces was cut off by a corridor which was occupied by an Alien Power, if a great city, let us say Marseilles, was prevented from expressing its loyalty to France and if the Frenchmen living in this district were to be persecuted, beaten, ill-treated, even bestially murdered? You are a Frenchman, Monsieur DALADIER, and therefore I know how you would act. I am a German, Monsieur DALADIER, do not doubt that my feeling of honour, that my consciousness of duty would compele me to act in precisely the same way.

(page 4 of original)

If you had the misfortune which we have, would you, Monsieur DALADIER, in that case understand if Germany, without any justification, were to insist that the corridor through France should remain, that the stolen territories must not return, that the restoration of Marseilles to France was forbidden? I cannot at least imagine, Monsieur DALADIER, that on this ground Germany would fight against you, for I and every one have surrendered the claim to Alsace-Lorraine in order to avoid further bloodshed. And so much less would we shed blood to perpetuate an injustice which for you would of necessity be as intolerable as for us it would be insignificant. Everything which you write in your letter I feel precisely as you do. Perhaps it is just we old soldiers of the front line who can most easily understand each other on many questions; but I would ask you to understand this also: that for a nation conscious of its honour it is impossible to give up nearly two million souls and watch them being ill-treated on its own frontiers. I have therefore put forward a clear demand: Danzig and the Corridor must come back to Germany. The Macedonian conditions on our Eastern frontier must come to an end. I see no way here by which I can induce Poland, which now under the protection of its guarantees, feels itself invulnerable, to adopt a peaceful solution. But I should despair of any honourable future for my people if in such conditions we were not determined, in one way or another, to solve this question. If now, through this, fate should once more compel our two peoples to fight, there would still be a difference in our motives. I, Monsieur DALADIER, should then, with my people, fight for the reparation of an injustice imposed upon us, the others would fight for its retention. That is the more tragic since many of the most outstanding men even of your own people have recognized the senselessness of the solution of 1919 just as they have realized the impossibility of permanently maintaining it. I see quite clearly the serious consequences

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which such a conflict brings with it. But I believe that the most serious consequence of all would have to be borne by Poland, for whatever might be the issue of a war fought on this question the Polish State of to-day would, in one way or another, be lost. That on this question our two peoples should have to enter on a fresh, bloody war of annihilation is not only for you, Monsieur DALADIER, but also for me very painful. But, as I said before, I see no way in which we can influence Poland so that she should see reason and be prepared to rectify a situation which for the German people and the German Reich is intolerable.

Certified true copy.

Heidelberg, 8 February 1948

Signed: Eduard WAHL

Professor of Law,

at Heidelberg University

Special Counsel of all Defendants.

Official German communique issued on the evening of 31 August 1938 at 2100 hours, containing a proposal for a settlement of the problem of Danzig and the Corridor as well as the German-Polish minority problem, from "Documents concerning the events leading up to the war" page 306, No. 468 and page 304 f. No. 466, Encl. II.

announced over the German radio on the evening of 31 August 1938 at 21 00 hrs.

His Britannic Majesty's Government informed the German Government, in a note dated August 28, 1939, of their readiness to offer their mediation towards direct negotiations between Germany and Poland over the problems in dispute. In so doing they made it abundantly clear that they, too, were aware of the urgent need for progress in view of the continuous incidents and the general European tension. In a reply dated August 29, the German Government, in spite of being sceptical as to the desire of the Polish Government to come to an understanding, declared themselves ready in the interests of peace to accept the British mediation or suggestion. After considering all the circumstances prevailing at the time, they considered it necessary in their note to point out that, if the danger of a catastrophe was to be avoided, then action must be taken readily and without delay. In this sense they declared themselves ready to receive a personage appointed by the Polish Government up to the evening of August 30, with the proviso that the latter was, in fact, empowered not only to discuss but to conduct and conclude negotiations.

Further, the German Government pointed out that they felt able to make the basic points regarding the offer of an understanding available to the British Government by the time the Polish negotiator arrived in Berlin.

Instead of a statement regarding the arrival of an authorized Polish personage, the first answer the Government of the Reich received to

their readiness for an understanding was the news of the Polish mobilization, and only towards 12 o'clock on the night of August 30, 1939, did they receive a somewhat general assurance of British readiness to help towards the commencement of negotiations.

Although the fact that the Polish negotiator expected by the Government of the Reich did not arrive removed the necessary condition for informing His Majesty's Government of the views of the German Government as regards possible bases of negotiation, since His Majesty's Government themselves had pleaded for direct negotiations between Germany and Poland, the German Minister for Foreign Affairs, M. von RIBBENTROP, gave the British Ambassador on the occasion of the presentation of the last British note precise information as to the text of the German proposals which would be regarded as a basis of negotiation in the event of the arrival of the Polish plenipotentiary.

The Government of the German Reich considered themselves entitled to claim that in these circumstances a Polish personage would immediately be nominated, at any rate retrospectively.

For the Reich Government cannot be expected for their part continually not only to emphasize their willingness to start negotiations, but actually to be ready to do so, while being from the Polish side merely put off with empty subterfuges and meaningless declarations.

It has once more been made clear as a result of a demarche which has meanwhile been made by the Polish Ambassador that the latter himself has no plenary powers either to enter into any discussion, or even to negotiate.

The Fuehrer and the German Government have thus waited two days

in vain for the arrival of a Polish negotiator with plenary powers.

In these circumstances the German Government regard their proposals as having this time too been to all intents and purposes rejected, although they considered that these proposals, in the form in which they were made known to the British Government also, were more than loyal, fair and practicable.

The Reich Government consider it timely to inform the public of the bases for negotiation which were communicated to the British Ambassador by the Minister for Foreign Affairs, L. von RIBBENTROP.

The situation existing between the German Reich and Poland is at the moment of such a kind that any further incident can lead to an explosion on the part of the military forces which have taken up their position on both sides. Any peaceful solution must be framed in such a way as to ensure that the events which lie at the root of this situation cannot be repeated on the next occasion offered, and that thus not only the East of Europe, but also other territories shall not be brought into such a state of tension. The causes of this development lie in: (1) the

- (1) the impossible delineation of frontiers, as fixed by the Versailles dictate;
- (2) the impossible treatment of the minority in the ceded territories.

In making these proposals, the Reich Government are, therefore, actuated by the idea of finding a lasting solution which will remove the impossible situation created by frontier delineation, which may assure to both

parties their vitally important line of communication, which may - as far as it is at all possible - remove the minority problem and in so far as this is not possible, may give the minorities the assurance of a tolerable future by means of a reliable guarantee of their rights.

The Reich Government are content that in so doing it is essential that economic and physical damage done since 1918 should be exposed and repaired in its entirety. They, of course, regard this obligation as being binding for both parties.

These considerations lead to the following practical proposals: -

- (1) The Free City of Danzig shall return to the German Reich in view of its purely German character, as well as of the unanimous will of its population;
- (2) The territory of the so-called Corridor which extends from the Baltic Sea to the line Marienwerder-Graudenz-Kulm-Bromberg (inclusive) and thence may run in a westerly direction to Schoenlanke, shall itself decide as to whether it shall belong to Germany or Poland;
- (3) For this purpose a plebiscite shall take place in this territory. The following shall be entitled to vote: all Germans who were either domiciled in this territory on January 1, 1918, or who by that date have been born there, and similarly of Poles, Kashubes, etc., domiciled in this territory on the above day (January 1, 1918) or born there up to that date. The Germans who have been driven from this territory shall return to it in order to exercise their vote with a view to ensuring an objective plebiscite, and also with a view to ensuring the extensive preparation necessary therefor. The above territory shall, as in the case of the Saar territory, be placed under the supervision of an international commission to be formed immediately, on which shall be represented the four Great Powers - Italy, the Soviet Union, France and England. This

commission shall exercise all the rights of sovereignty in this territory. With this end in view, the territory shall be evacuated within a period of the utmost brevity, still to be agreed upon, by the Polish armed forces, the Polish police, and the Polish authorities;

- (4) The Polish port of Gdynia, which fundamentally constitutes Polish sovereign territory so far as it is confined territorially to the Polish settlement, shall be excluded from the above territory. The exact frontiers of this Polish port should be determined between Germany and Poland, and, if necessary, delimited by an international committee of arbitration;
- (5) With a view to assuring the necessary time for the execution of the extensive work involved in the carrying out of a just plebiscite, this plebiscite shall not take place before the expiry of twelve months;
- (6) In order to guarantee unrestricted communication between Germany and East Prussia and between Poland and the sea during this period, roads and railways shall be established to render free transit traffic possible. In this connection only such taxes as are necessary for the maintenance of the means of communication and for the provision of transport may be levied;
- (7) The question as to the party to which the area belongs is to be decided by simple majority of the votes recorded;

- (8) In order to guarantee to Germany free communication with her province of Danzig-East Prussia, and to Poland her connection with the sea after the execution of the plebiscite - regardless of the results thereof - Germany shall, in the event of the plebiscite area going to Poland, receive an extra-territorial traffic zone, approximately in a line from Butow to Danzig or Dirschau, in which to lay down a Motor Road and a 4-track railway line. The road and the railway shall be so constructed that the Polish lines of communication are not affected, i.e. they shall pass either over or under the latter. The breadth of this zone shall be fixed at 1 kilometre, and it is to be German sovereign territory. Should the plebiscite be favourable to Germany, Poland is to obtain rights, analogous to those accorded to Germany, to a similar extra-territorial communication by road and railway for the purpose of free and unrestricted communication with her port of Gdynia;
- (9) In the event of the Corridor returning to the German Reich, the latter declares its right to proceed to an exchange of population with Poland to the extent to which the nature of the Corridor lends itself thereto;
- (10) Any special right desired by Poland in the port of Danzig would be negotiated on a basis of territory against similar rights to be granted to Germany in the port of Gdynia;
- (11) In order to remove any feeling in this area that either side was being threatened, Danzig and Gdynia would have the character of exclusively mercantile towns, that is to say, without military installations and military fortifications;
- (12) The peninsula of Hel, which as a result of the plebiscite might go either to Poland or to Germany, would in either case have similarly to be demilitarized;

- (13) Since the Government of the German Reich has the most vehement complaints to make against the Polish treatment of minorities, and since the Polish Government for their part feel obliged to make complaints against Germany, both parties declare their agreement to have these complaints laid before an international committee of enquiry, whose task would be to examine all complaints as regards economic or physical damage, and any other acts of terrorism. Germany and Poland undertake to make good economic or other damage done to minorities on either side since the year 1916, or to cancel expropriation as the case may be, or to provide complete compensation to the persons affected for this and any other encroachments on their economic life;
- (14) In order to free the Germans who may be left in Poland and the Poles who may be left in Germany from the feeling of being outlawed by all nations, and in order to render them secure against being called upon to perform action or to render services incompatible with their national sentiments, Germany and Poland agree to guarantee the rights of both minorities by means of the most comprehensive and binding agreement, in order to guarantee to these minorities the preservation, the free development and practical application of their nationality (Volkstum), and in particular to permit for this purpose such organization as they may consider necessary. Both parties undertake not to call upon members of the minority for military service;

- (15) In the event of agreement on the basis of these proposals, Germany and Poland declare themselves ready to decree and to carry out the immediate demobilization of their armed forces;
- (16) The further measures necessary for the more rapid execution of the above arrangement shall be agreed upon by both Germany and Poland conjointly.

Certified true copy,
Heidelberg, 8 February 1948
Signed: Eduard WEHL
Professor of Law
at Heidelberg University
Special Counsel of all Defendants.

Hitler's Speech before the Reichstag on 1 September 1939

10 A.M. in "Verhandlungen des Reichstags", Volume 460, Page 45-48.

Members of the German Reichstag:

For months we have been tormented by a problem once imposed upon us by the Dictate of Versailles and which, in its deterioration and corruption, had now become utterly intolerable. ^{Danzig was and is a German City.} The Corridor was and is German. All these territories owe their cultural development exclusively to the German people, without whom absolute barbarism would reign in these Eastern territories. Danzig was separated from us. The Corridor was annexed by Poland. The German minorities living there were mistreated in the most appalling manner. Already during the years 1919/20 more than one million people of German blood were driven from their home. As usual, I have tried to change this intolerable state of affairs thru proposals for a peaceful revision. It is a lie if it is claimed throughout the world that we ensure all our revisions only by applying pressure. There was ample opportunity for fifteen years before National Socialism assumed power to carry thru revisions by means of a peaceful understanding. This was not done. In every single case did I then take the initiative, not once but many times, to bring forward proposals for the revision of absolutely intolerable conditions.

As you know, all these proposals were rejected. I need not enumerate them in detail: proposal for a limitation of armaments, if necessary even for the abolition of armaments, proposals for restrictions on methods of warfare, proposals for eliminating methods of modern warfare which, in my opinion, are scarcely compatible with international law. You know my proposals for the necessity of the restoration of German sovereign rights over the territories of the German Reich, the countless attempts for a peaceful solution of the Austrian problem which I have made, and later, on the problem of the Sudetenland, Bohemia and Moravia. It was all in vain.

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One thing, however, is impossible: to demand that a peaceful revision should be made of an intolerable state of affairs, and then obstinately refuse such a peaceful revision. It is equally impossible to assert that in such a situation to act on one's own initiative in making a revision is to violate a law. For us Germans the Dictate of Versailles is not a law. It does not work to force somebody at the point of a pistol and by threatening to starve millions of people into signing a document and afterwards proclaim that this document with its forced signature was a solemn law.

In the case of Danzig and the Corridor I have again tried to solve the problems by proposing peaceful discussions. It was obvious that they had to be solved! That the deadline for this solution may perhaps be of little interest to the Western Powers is conceivable. But for us this deadline is not a matter of indifference! First and foremost, it was not and could not be a matter of indifference to the suffering victims. In Conferences with Polish Diplomats I have discussed the ideas which you have heard me express here in my last speech before the Reichstag. None can say that this was an improper procedure or even unreasonable pressure.

I then had the German proposals clearly stated and I feel bound to repeat once more that nothing could be fairer or more modest than those proposals submitted by me. And now I want to tell the world that only I could afford to make such proposals. Because I knew very well that at that time I placed myself in a position contrary to the conception of millions of Germans by acting the way I did.

These proposals were rejected. But not only that! They were answered by mobilization, by increased terrorism, by intensified pressure on the people of German blood living in those territories, and by a gradual economic, political and, during the past few weeks even military strangulation and blockade of the Free City of Danzig. Furthermore, Poland virtually began the war against the Free City of Danzig. Furthermore

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Poland virtually began the war against the Free City of Danzig. Furthermore, she was not prepared to settle the problem of the Corridor in a fair manner satisfying the interests of both parties. And lastly, she did not even dream of fulfilling her obligations with regard to the minorities. I have to state here that Germany has fulfilled her obligations in this respect!

Minorities living in Germany are not subject to persecution. Let any Frenchman get up and declare that French citizens living in the Saar territory are being oppressed, ill-treated or deprived of their rights. No one can make such an assertion.

For four months I have watched these developments without taking action but not without issuing repeated warnings. Recently I have made these warnings more and more emphatic. Over three weeks ago, the Polish ambassador was, at my request informed that if Poland persisted in sending further notes in the nature of an ultimatum to Danzig and in further oppressing the people of German blood, or if she should attempt to ruin Danzig economically thru customs measures, Germany could no longer look on without taking action. I have left not room for doubt that in this respect the Germany of today is not to be confused with the Germans that existed before.

Attempts have been made to justify the action against the German minorities by declaring that they had provoked them, I am wondering in what the "provocation" thru the women and children who are being mistreated and deported, consisted, or the "provocations" of those who were tortured in the most beastly and most sadistic manner and finally killed. One thing, however, I do know: there is not one single great power with any honor who would tolerate such conditions for any length of time.

In spite of it all I have made one last attempt. Although I am deeply convinced that the Polish Government - perhaps also because of its being dependent on a now unrestrained, wild military rabble - is not seriously interested in a real understanding, I have nevertheless accepted a proposal by the British Government for mediation. The latter proposed that it would

(page 4 of original)

not carry on any negotiations but assured me that it would establish a direct contact between Poland and Germany in order to get the discussion going once more.

I must here state the following: I accepted that proposal. For these discussions I had drawn up the fundamentals which are known to you. And then I and my Government were sitting for two whole days waiting for the Polish Government to make up its mind whether to finally dispatch a plenipotentiary or not! Until last night it had not sent any plenipotentiary but informed us thru its ambassador that at present it was considering the question whether and to what extent it might be able to accept the British proposals; it would inform England of its decision.

Members of the Reichstag! If such treatment is meted out to the German Reich and its Chief, and the German Reich and its Chief were to submit to such treatment, then the German Nation would deserve no better than to disappear from the political scene. My love of Peace and my endless patience must not be mistaken for weakness, much less for cowardice. Therefore, I have last night informed the British Government that things being as they are, I have found it impossible to detect any inclination on the part of the Polish Government to enter into a really serious discussion with us.

Thus, these proposals for mediation are wrecked, for in the meantime the answer to these offers had been, firstly, the order for Polish general mobilization, and secondly new grave atrocities. Renditions of the latter incidents occurred last night. After recently twenty-one frontier incidents had occurred, there were fourteen last night. Three of them were very grave.

For that reason, I have now decided to talk to Poland in the same language Poland has been using toward us for months.

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If there are statesmen in the West who declare that their interests are involved I can only regret such a declaration; however, not for one single minute could that persuade me to deviate from the execution of my duties. I have solemnly declared and repeat once more that we have no claims at all on these Western powers, and shall never demand anything from them. I repeatedly offered Britain our friendship, and if necessary closest cooperation. Love, however, is not to be offered by one partner only, it'll have to find response from the other. Germany has no interests in the West, our fortifications in the West shall be the frontiers of the Reich forever. Some of the other European Powers understand our position. I especially want to thank Italy for having supported us all this time. But you'll also understand that we do not want to make an appeal for any foreign help in this struggle. This task of ours we shall solve ourselves.

The neutral powers have assured us of their neutrality just like we have previously guaranteed their neutrality. This assurance we consider a sacred obligation, and as long as nobody breaks their neutrality, we, too, shall observe it painstakingly. What could we desire or want from them?

I am happy to be able to inform you here of an event of special importance. You are aware of it that Russia and Germany are governed by two different doctrines. There was only one single question to be cleared up: Germany has no intention of exporting her doctrine, and the minute Russia does not intend to export her own doctrine to Germany, I no longer see any reason why we should ever be opponents again. Both of us agreed on this one point: any struggle between our two people would only result in benefits for others. We have therefore resolved to enter into an agreement which will exclude any application of force between us in the future, which compels us to consult each other in certain European questions, which makes economic cooperation possible and above all makes sure that these two great powers don't exhaust their energies in fighting each other.

(page 6 of original)

Any attempt on the part of the Western Powers to alter these facts will prove futile, and in that connection I should like to state one thing: this political decision signifies an enormous change for the future and is absolutely final.

I believe that the whole German people will welcome this political attitude. In the World War, Russia and Germany fought each other and up to the end they both suffered. That shall not happen a second time! The non-aggression and consultation pact was yesterday finally ratified in Moscow and in Berlin.

In Moscow, the pact was acclaimed just as you have acclaimed it here. I approve of every word in the speech made by Mr. Molotov, the Russian Commissar for Foreign Affairs.

Our aims: I am determined to solve;

firstly, the question of Danzig;

secondly, the question of the Corridor,

Thirdly, to see to it that a change shall take place in Germany's relations to Poland, which will ensure a peaceful co-existence of the two powers.

I am determined to fight until the present Polish Government is willing to effect this change or another Polish Government is prepared to do so.

I am determined to eliminate from the German frontiers the element of insecurity, the atmosphere which permanently resembles civil war. I shall see to it that peace on the Eastern frontier shall be the same as it is on our other frontiers.

I shall carry out all necessary actions in such a manner that they shall not contradict the proposal which I have made known to you here, members of the Reichstag, as my proposals to the rest of the world.

(page 7 of original)

That is, I will not wage war against women and children! I have instructed my air force to limit their attacks to military objectives. However, if the enemy should conclude from this that he might get away with waging war in a different manner he will receive an answer that he'll be knocked out of his wits!

Last night for the first time regular soldiers of the Polish Army fired shots on our territory. Since 5.45 a.m. we have been returning their fire. From now on, every bomb will be answered by another bomb. Whoever fights with poison gas will be fought with poison gas. Whoever disregards the rules of human warfare can but expect us to do the same.

I will carry on this fight, no matter against whom, until such time as the safety of the Reich and its rights are secured!

For more than 6 years now I have been engaged in building up the German armed forces. During this period more than 90 billion Reichsmark were spent building up the Wehrmacht. Today, ours are the best equipped armed forces in the world and they are far superior to those of 1914. My confidence in them can never be shaken.

If I call upon the Wehrmacht and if I ask sacrifices of the German people and, if necessary, unlimited sacrifices, then I am in the right to do so, for I myself am just as ready today as I was in the past to make every personal sacrifice. I don't ask anything of any German which I myself was not prepared to do at any moment for more than four years. There shall not be any deprivations for Germany in which I myself shall not immediately share. From this moment on my whole life shall belong more than ever to my people. I now want to be nothing but the first soldier of the German Reich.

Thus I have put on once again the coat which has always been the most sacred and dearest to me. I shall not put it aside until after the victory - or I shall not live to see the end.

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Should anything happen to me in this war, my first successor shall be Party Member Goering. Should anything happen to Party Member Goering, his successor shall be Party member Hess. To these men as your leaders you would then owe the same absolute loyalty and obedience that you owe to me. In the event that something fatal should happen to Party Member Hess, I am about to make legal provisions for the convocation of a senate appointed by me, who shall then elect the worthiest, that is to say the most valiant among themselves.

As a National Socialist and a German soldier I enter upon this fight with a stout heart! My whole life has been but one continuous struggle for my people, for its resurrection, for Germany, and this whole struggle has been inspired by one single conviction: faith in this people!

One word I have never known: capitulation. And if there was anybody who'd think that hard times are ahead of us I'd like him not to forget the fact that at one time a Prussian king with a ridiculously small staff confronted one of the greatest coalitions ever known and came forth victoriously after three campaigns because he possessed that strong and firm faith which are required of us in these times.

As for the rest of the world, I can only assure them that a November 1918 shall never occur again in German history.

I ask of every German what I myself am prepared to do at any moment: to be ready to pay with his life for this people and for his country.

Whoever believes to have a chance to evade this patriotic duty directly or indirectly, shall perish. We will have nothing to do with traitors. We all are acting only in accordance with our old principles: our own life matters nothing, all that matters is that our people, that Germany shall live.

(page 9 of original)

I expect of you, as deputies of the Reich, that you will do your duty in whatever position you are called upon to fill. You must carry the banner of resistance, cost what it may. Let no one report to me at any time that in his province, in his district or in his group or in his cell the morale is low. Bearers, responsible bearers of the morale are you! I am responsible for the morale in Germany and you are responsible for the morale in your province or district. None has the right to shun this responsibility. The sacrifice that is demanded of us is not greater than the sacrifice which has been made by many generations in the past. All those men who before us have travelled the most bitter and hardest road did nothing different from what we are called upon to do; the sacrifice they made was no less costly, no less painful, and therefore no easier than the sacrifice that may be demanded of us.

I also expect every German woman to take her place with unflinching discipline in this great fighting community.

German youth, needless to say, will do with heart and soul what is expected and demanded of it by the nation and by the National Socialist State.

If we form this community, forged together, ready for everything, determined never to capitulate, then our strong will shall master every emergency.

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I conclude with the words with which I began the struggle to gain power in the Reich. At that time I said:

If our will is so strong, that no danger can break it, then our will and our German steel will break and conquer danger and distress.

Germany- Sieg Heil!

A certified true Copy

Heidelberg, 8 Februar 1948

signed: Eduard WAPL

Professor of Law at the University of
Heidelberg
Special Counsel of all Defendants

Colonel LINDBERGH at the Olympic Village
from the "Völkischer Beobachter" of 26 July 1936

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Big reception at the Auslands-Club

In honor of Colonel LINDBERGH, the American ocean flyer, and his wife, the Deutsche Auslands-Club held a reception on Friday night at its country house at Wannsee. Colonel LINDBERGH, who in the morning, had inspected the installations and equipment of the DOEBERITZ Flying Group of the Richthofen Fighter Squadron, arrived at Wannsee at 2000 hours where he and his wife were most cordially welcomed in the parc of the country-house by Adolf Friedrich Duke of Mecklenburg, the President of the Auslands-Club.

A large number of guests had followed the invitation of the German Auslands-Club in order to welcome the famous American ocean flyer. Besides, Mrs. and Miss DODD, the wife and daughter of the American Ambassador, Major SMITH, Military Attaché and Major KOENIG, Air Attaché, also put in an appearance. State Secretary for Air, General MILCH, had appeared as deputy for General GOERING, Reich Minister for Air. Among the many guests who had informally assembled around the various tables in the magnificent parc of the country-house, there was also Count Baillet-LATOUR, President of the International Committee, Avery BRUNDAGE, President of the American Olympic-Committee and leader of the Olympic team which had arrived to-day in Berlin. State Secretary (Retired) LEMALD and many more.

(page 2 of original)

Colonel and Mrs. LINDBERGH, greatly pleased with the friendly reception given them, spent several hours in the magnificent park of the Wannsee country-house where, on this fine summer's evening, they could find rest and relaxation among friends and guests.

From "Völkischer Beobachter" of 30 July 1936.
Colonel LINDBERGH as guest of General GOERING.

Berlin, 29 July

On Tuesday noon, Colonel and Mrs. LINDBERGH had luncheon at the house of the Prime Minister, General GOERING. Also present were Major SMITH, the American Military Attaché, Captain KOENIG, Air Attaché, and their wives.

A true and correct copy.

FISCHER

(Dr. Julius FISCHER)

Assistant Counsel of all Defendants.

Photograph of Colonel LINDBERGH.



General VUILLEMIN's visit to the RICHTHOFEN Squadron.
From the "Voelkischer Beobachter" of 18 August 1938.

Berlin, 17 August

On Wednesday morning, General VUILLEMIN, Chief of the General Staff of the French Air Force, who is at present in Berlin as guest of Generalfeldmarschall GOERING, Reich Minister for Air and Commander-in-Chief of the Luftwaffe, visited the RICHTHOFEN Squadron at DOBERITZ, in the company of his personal staff and numerous High ranking German officers of the Luftwaffe.

The German representatives were General (Air Force) MILCH, State Secretary for Air, Lieutenant-General STUMPF, Chief of the General Staff of the Luftwaffe and Major-General UDET, Chief of the Technical Office of the Reich Air Ministry.

A true and correct copy.

FENSENBECKER

(Dr. Julius FENSENBECKER)
Assistant Counsel of all defendants.

Photograph of General WILLEMIN



SCHULTHESS' Historical Almanach of Europe

Published by Ulrich THURAU, 1937

C.H. BECK'SCHE Verlagsbuchhandlung Muenchen 1938

Page 13

17 January. Officers of the British Royal Air Force arrive at the Staken Air-base, for a visit of several days, in order to inspect the installations of the German Luftwaffe as guests of Reich Minister General GOERING.

A true and correct copy.

FHSENBUECKER

(Dr. Julius FHSENBUECKER)

Assistant Counsel of All Defendants.

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Published by Ulrich THURBAUF, 1938

C.H. BECK'SCHE Verlagsbuchhandlung, Muenchen, 1939

Page 517

19 March. Secretary of State HULL announces that the United States have de facto recognized Austria's re-union with the German Reich.

A true and correct copy.

FENSBEEKER

(Dr. Julius FENSBEEKER)

Assistant Counsel of all Defendants.

CERTIFICATE OF TRANSLATION

23 April 1948

We, hereby certify that we are a duly appointed translators for the German and English languages and that the above are a true and correct translation of the document book Foreign Policy, Part II.

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CASE 5 - TRIBUNAL VI

DEFENSE

Documents to German Foreign Policy
part III

(see letter inside)

English



DEFENSE

CASE 6 - TRIBUNAL VI

Documents to German Foreign Policy
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